

WHC Nomination Documentation

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SITE NAME ("TITLE") Everglades National Park

DATE OF INSCRIPTION ("SUBJECT") 26/10/1979

STATE PARTY ("AUTHOR") UNITED STATES OF AMERICA

CRITERIA ("KEY WORDS") N (i)(ii)(iv)

DECISION OF THE WORLD HERITAGE COMMITTEE:

The Committee made no statement.

Inscribed on the List of the World Heritage in Danger in 1993.

BRIEF DESCRIPTION:

This site at the southern tip of Florida has been called "a river of grass flowing imperceptibly from the hinterland into the sea". The exceptional variety of its water habitats has made it a sanctuary for a considerable number of birds and reptiles, as well as for threatened species such as the manatee.

1.b. State, province or region: Florida

1.d Exact location: Long. 80°20' - 81°30' W / Lat. 24°50' - 25°55' N

UNITED NATIONS EDUCATIONAL
SCIENTIFIC AND CULTURAL
ORGANIZATION

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Convention concerning the Protection of the
World Cultural and Natural Heritage

WORLD HERITAGE LIST

Nomination submitted by the United States of America

Everglades National Park

CC-79/WS/33

I. LOCATION

- A. Country--United States of America
- B. State--Florida
- C. Name of Property--Everglades National Park
- D. Exact location on map

Everglades National Park lies on the southern tip of the Florida peninsula, approximately between the following longitudes and latitudes: 80°20' West longitude and 81°30' West longitude, and 24°50' North latitude and 25°55' North latitude.

II. JURIDICAL STATUS

- A. Owner--United States Government, Department of the Interior in Washington D. C.
- B. Legal Status

Everglades National Park was authorized by an act of Congress in May of 1934. But not until 1944 did President Harry Truman finally designate the area. The 1934 Act has perhaps the strongest preservation mandate of any established national park in the U.S. The act states that; "the said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area."

Of the total land mass nearly all is in Federal ownership. As of December 1976 all in-holdings within the park had either been acquired or were pending condemnation proceedings. Outstanding mineral, oil and gas rights still apply to 26,397 ha. of Federal lands within the park, and have not yet been acquired.

National Park Service employees have legal authority, both state and federal, to enforce regulations within the park. The approximately 200 people residing within the area are directly related to providing essential services, either as federal employees or as staff of the park concessioner. A 124 acre site along the park's northern boundary is retained by the Miccosukee Indians for community development purposes under the terms of a special-use permit. Direct access to the park is provided to the general public by a state road system linking all four districts. Water craft access is also provided through a system of marked and patrolled waterways.

- C. Responsible Administration

Administered for the National Park Service, United States Department of the Interior by: General Superintendent, Everglades National Park, P. O. Box 279, Homestead, Florida 33030.

III. IDENTIFICATION

A. Description and Inventory of Natural Heritage

Few of the classic elements of a national park are embodied in the Everglades. Instead, it is a land of subtleties. Notably lacking are the impressive geologic features that give relief to eye and landscape, and that so often have dominion over living systems. Here, the earth blends indistinctly with the water and the evanescent sky. Their uniform appearance belies a diversity of life forms characteristic of few other places on this continent.

Unlike most of its counterparts in the National Park System, Everglades is almost exclusively a biological park dedicated to the preservation of a complex and precisely ordered living mechanism. It is a place of common, though often ill-defined, boundaries. It lies at the interface between temperate and sub-tropical America; between land, sea, and sky; between fresh and brackish water; between shallow, terrestrially influenced embayments and deeper gulf coastal waters; between the sprawl of urban development and wilderness; and between pre-Columbian and modern human cultures.

While other landscapes were forged in a crucible of fire and ice, Everglades is the offspring of a primal alliance of earth and the cradling sea. Its subdued topography is indicative of geologic stability. The wealth of plant life it supports provides virtually the only variation in its otherwise broad, featureless surface. From the wave-stroked beaches of Cape Sable to the nearly imperceptible currents sweeping over Shark Valley, the cyclic ebb and flow of water and miniscule variations in the landscape are of signal importance in determining the nature of this park. Ironically, fire, often considered the bane of field and forest, is the necessary third element.

The park is actually a shallow basin tilted to the southwest and underlain by extensive deposits of Pleistocene-aged limestone. The Miami limestone consists of a oölotic and bryozoan facies with the latter predominant in the basement rock of the park. Interestingly, these two components of the geologic foundations of the park are of inorganic and organic origin respectively. Schizoporella floridana, a multi-laminate bryozoan, is largely responsible for the production of that portion of the Miami limestone underlying the park. While peninsular Florida is geologically young, it is among the more stable portions of the continent, having undergone no significant structural change for many years.

Geographically the Everglades are temperate, but biologically they are strikingly similar to the subtropical West Indies... having attracted hundreds of colonial forms. Many of the plant and animal species found in the park are at the limits of their ranges. The biota has great variety, and an ironic mixture of rare and abundant life forms. Complexity, diversity, high numbers of species, and low entropy, generally indicators of environmental stability further characterize the Everglades.

Several factors are significant determinants of the vegetative composition of the park. Naturally caused fires, or the lack of them, slight elevations or depressions in topography, and water are critical factors. Water is perhaps the most important factor. Everglades is an area which often receives in excess of 60 inches of precipitation annually, and which has from prehistoric time received periodic overflows from Lake Okeechobee and its watershed to the north. The nature of the substrate has, in turn, had important effects on the water regime in the park. The ordinarily highly porous limestone is overlain with variable thicknesses of marl and peat which minimize water loss through seepage. Other elements altering the vegetative composition of the park include inland penetration of sea water as a result of lowered water tables and canalization, hurricanes, and the proliferation of exotic species such as Australian pine and wild tamarind.

The great floral variety of the Everglades is one of the key reasons for the establishment of the park. Among the more prominent and colorful plants are the Bromeliads and epiphytic orchids. As many as 25 orchid varieties are known to occur within the park. There are over 1,000 kinds of seed-bearing plants, and nearly 120 species of trees, both tropical (palms, gumbo limbo, mangroves) and temperate (ash, mulberry, and oaks). Even plants ordinarily associated with the hot and arid deserts, such as cactus, yucca, agave or century plant, thrive in certain parts of the park. Woody and herbaceous vines, including the noxious and cosmopolitan poison ivy, are significant elements in the forest understory. Over 60 species encountered here are endemic to South Florida. As the only large, totally preserved area in Florida, Everglades National Park may well be their ultimate refuge.

Within the park there are five discrete vegetative types. Hammocks are tree islands that are generally composed of mature mixed hardwoods. Bayheads are tree islands generally consisting of isolated stands of specific species, such as cypress or willow. Pinelands, consisting predominantly of a relict stand of south Florida slash pine, occupy elevated outcroppings of the Miami limestone. The coastal mangrove area, composed largely of black, red, or white mangrove or mixtures thereof, is one of the largest mangrove forests in the world. Sawgrass, actually a sedge,

covers extensive lowland prairies to the north and east.

Hammocks, bayheads, and pineland areas are generally elevated or otherwise vary sufficiently from the datum plane to be insulated from the effects of flooding and protected from fire. Bayheads, consisting predominantly of one or two species, occupy either slight elevations or depressions (e.g, bay trees generally predominate in elevated deposits of peat and cypress trees in shallow ponds). Mangrove and sawgrass areas are periodically or perennially inundated by shallow water.

In addition to the terrestrial systems, there are at least four distinctively different aquatic community types within the park: The inland fresh water areas consisting of broad, shallow grassy rivers, small scattered ponds, and alligator holes; the brackish water or estuarine areas where fresh and salt water merge; shallow shoreline and offshore embayments; and, the deeper gulf coastal waters. As might be expected, fresh water and marine fishes and invertebrates abound in these areas. In addition, the area of transition from glade to mangrove—fresh to salt water—is an incredibly rich and productive zone incubating great numbers of life forms, including the economically important pink shrimp, stone crab and spiny lobster.

Florida Bay includes some 2,000 square kilometers of very shallow embayment overlaying unconsolidated calcereous sediment on the surface of the oolitic facies of the Miami limestone. Its maximum depth varies from 8 to 9 feet and its average depth is 4 to 5 feet. The bottom is irregular, consisting of anastomosing mudbanks on some of which mangroves and other brackish water plants have pioneered to form small keys of islands. The waters of the bay are considered one of the most productive natural limestone factories in the United States.

Everglades is a haven for over 36 rare or endangered animals. The most notable mammals include the Florida panther (Felis concolor coryi) and the manatee (Trichechus manatus latirostris). In North America, the latter is essentially endemic to the park and dependent upon it for survival as a species. Of the 60 known species of reptiles, the American alligator (Alligator mississippiensis) has received world-wide notoriety as a species threatened with extinction. Through such attention, the alligator has returned from the brink of disaster and can be held as a rare example of successful human intervention in the preservation of a species. Faced with restrictive and highly sensitive habitat requirements, the American crocodile (Crocodylus acutus) cannot be viewed with such aplomb. Just 300-400 individuals exist in a natural state on the North American continent—all within or near Everglades National Park.

Everglades is probably best known for its varied and kaleidoscopic seasonal displays of birdlife. Over 300 species of birds have been recorded within the park, seven of which are rare or endangered species. One of the chief reasons for the establishment of the park was growing concern that rookeries of herons, ibis, and other wading birds be protected from the decimating effects of commercial exploitation, encroaching development, pollution, and other deleterious human influences. Although habitat changes have reduced historic numbers, tens of thousands of birds feed and nest within the Everglades, providing a veritable smorgasbord of sight and sound for the viewer.

The intermingling of species and the tendency to greater numbers and varieties of life forms at the shared boundaries of coterminous communities--a phenomenon known as the edge effect--is well illustrated in the Everglades. Species that one would ordinarily not expect to find sharing the same habitat are commonly observed together. Oddly, there are also some fascinating analogies between biological phenomena in the Everglades and in the southwestern deserts, the sub-alpine timberline, and the subterranean world. Living conditions in each of those systems frequently require more diverse and often bizarre morphological and physiological adaptations of plant and animal species.

Following is a resume of species that are on the federal list of endangered and threaten species in South Florida National Parks. The endangered species are American Crocodile (Crocodylus acutus), Hawksbill Turtle (Eretmochelys imbricata), Peregrine Falcon (Falco peregrinus tundrius), Florida Everglade Kite (Rostrhamus sociabilis plumbeus), Southern Bald Eagle (Haliaeetus leucocephalus), Brown Pelican (Pelecanus occidentalis), Red-Cockaded Woodpecker (Dendrocopos borealis), Cape Sable Seaside Sparrow (Amospiza maritima mirabilis), Florida Panther (Felis concolor coryi). The threatened species are the Bahama Swallowtail Butterfly (Papilio ardraemon bonhottei), Schaus Swallowtail Butterfly (Papilio aristodemus ponceanus), American Alligator (Alligator mississippiensis), and the Indigo Snake (Drymarchon corais souperi).

The State of Florida lists the following species in an category: Atlantic Green Turtle (Chelonia mydas mydas), Atlantic Ridley (Lepidochelys kempi), Wood Stork (Mycteria americana), Cuban Snowy Plover (Charadrius alexandrinus tenuirostris), Ivory-billed Woodpecker (Campephilus principalis), Florida Grasshopper Sparrow (Ammodramus savannarum floridanus), Mangrove Fox Squirrel (Sciurus niger avicennia). And on the threatened list: Rivulus (Rivulus marmoratus), Gopher Turtle (Gopherus polyphemus), Atlantic Loggerhead Turtle (Caretta caretta caretta), Miami Black-headed Snake (Tantilla oolitica), Eastern Brown Pelican (Pelecanus occidentalis carolinensis), Rothschild's Magnificent Frigatebird (Fregata magnificens rothschildi), Florida Great White Heron

(Ardea herodias occidentalis), Osprey (Pandion haliaetus), Southeastern Kestrel (Falco sparverius paulus), Audubon's Caracara (Caracara cheriway auduboni), Florida Sandhill Crane (Grus canadensis pratensis), American Oystercatcher (Haematopus palliatus), Roseate Tern (Sterna dougallii), Least Tern (Sterna albifrons), White-crowned Pigeon (Columba leucocephala), Florida Scrub Jay (Aphelocoma coerulescens coerulescens), Florida Black Bear (Ursus americanus floridanus), Everglades Mink (Mustela vison evergladensis).

Present and Proposed Use of the Property--In keeping with the strict tenor of the 1934 Act authorizing Everglades, the development of visitor facilities has progressed according to a concept of preserving the parks essential wilderness qualities and keeping developmental encroachments to a minimum. Currently about 0.1% of the park can be considered developed, with roads or other visitor facilities. Because existing development is providing adequate visitor services, there is no apparent need to change its overall pattern or initiate a program of massive expansion. Completing and refining previously proposed developments is the objective.

Existing developments provide the essential visitor services, and support park administration and maintenance functions. Visitor developments include: visitor centers, nature trails, camping and picnic areas, motel, restaurant, marina, small stores, primitive hiking and camping areas. Most park staff members commute from the local community although some are housed in small residential areas within the park. The administration and maintenance areas are within the park.

Management philosophy espouses limited development in the park, but the nature of the resources imposes limitations as well. Harsh, conditions of sub-tropical heat, storms, insects, impassible terrain, and rough marine waters often render extensive and traditional recreational activities uncomfortable if not impossible.

Use of the Everglades, probably more so than any other park in the United States, is devoted to natural-history interpretation, environmental education, and limited wilderness exploration. Interpretive activities, offered by sensitive and highly skilled employees, offer visitors highly participatory activities through which they can come to understand and appreciate the fragility and complexity of the Everglades. Over 35,000 local school children each year participate in environmental education programs, within and beyond the park boundary. The ultimate fate of the Everglades is inextricably linked to an informed and sensitized urban citizenry. Interpretive programs, a hallmark of Everglades are created to do just that.

Size and Buffer Zones--Everglades National Park comprises 567,017 ha. of the southern tip of the Florida peninsula. It is the third largest national park in the U. S. national park system.

The legal boundaries of Everglades National Park do not totally encompass the watershed areas essential for its integrity as a complete system. Three separate watershed sources lying outside park boundaries are in varying stages of preservation and control. Big Cypress National Preserve, on the north west boundary, is now 60% in federal ownership and will protect water sources for that portion of the park. A vast series of water conservation areas, protected by the state of Florida, are flow sources of the primary Shark River Slough watershed. A third buffer zone on the park's east boundary is important for the Taylor Slough watershed. The Taylor Slough area is a smaller watershed, but nonetheless critical, for on it is the Anhinga Trail, made famous nationwide for its spectacular seasonal wildlife displays. Currently in private ownership, this area will come under state control as an area of critical state concern.

A series of areas designated preservation zones by Metropolitan Dade County, protect the park's east boundary from encroaching urbanization. Developments, which would jeopardize the viable functioning of the Everglades ecosystem would be precluded from these areas.

- B. Maps and/or Plans (attached)^{XX}
- C. Photographic Documentation (included)^{XX}
- D. History

Although south Florida was one of the first parts of the North American mainland discovered by Europeans, their history as residents scarcely reached back to 1800. The Spanish and other early explorers found the Indians untameable and the country difficult, and did little more than sail along its shore. Wreckers and pirates plied their trades from stations in the Florida Keys. Except these transient activities, history up to the time of the Seminole Wars is chiefly contained in tales of shipwrecks on the Florida Reef and in the journals of castaways thrown upon the none-too-tender mercies of the Calusa Indians. The transfers of Florida from Spain to Britain to Spain to the United States had little meaning in a region which lay outside the effective sovereignty of any government.

In the early 1820's Commodore Porter conducted his expedition against piracy in southern waters and the construction of the

^{XX} see attached note

Cape Florida Light marked the beginning of U. S. efforts to reduce the hazards of navigation along the Florida Reef. With these tokens of the existence of government, came the start of permanent settlement, mainly along the Florida Keys, a 120 mile stretch of small mangrove islands. Indian Key became the first south Florida town of importance (aside from Key West), and the seat of local administration. Audubon visited Indian Key and Cape Sable in 1835 and many prominent naturalists found their way into the region in the later 1800's and early 1900's. Dr. Perrine settled at Indian Key and carried on his experiments in tropical horticulture until killed by Indians in 1840.

The Seminole Wars flared intermittently for more than a generation. From a historical standpoint, the Indian war period was notable because towns persisted near some of the former forts and because pursuit of the Indians brought the first important penetrations of the Everglades by non-Indians and the first seeds of the idea of draining the Everglades. The Civil War largely bypassed South Florida. Union forces occupied Key West and there was some activity by blockade runners, but only at Fort Jefferson in the Tortugas did South Florida come close to the main stream of American history.

The later history of white man in south Florida is essentially a history of transportation and communication. Before the arrival of roads and railroads, there was only a scattering of isolated coastal settlements with a largely maritime economy. Present day Miami sprang into existence with the coming of the railroad in 1896, and throughout south Florida non-Indian occupation followed the advance of roads and railroads along the coasts and of roads and canals into the Everglades. As late as the mid-1920's the completion of the Tamiami Trail first permitted easy land access between the east and west coast of southern Florida.

The park's creation was the culmination of many efforts over many years. The Audubon Society began protective measures in the early part of the century by posting wardens at plume-bird rookeries. Just how ruthless the plume hunters had become was demonstrated by the 1905 murder of one of the Society's wardens, Guy Bradley, at his Everglades post.

Other efforts followed. In 1916 the Florida Federation of Women's Clubs helped establish and maintain the Royal Palm State Park, protecting Paradise Key on the edge of Taylor Slough. In 1929, the state of Florida created the Tropical Everglades National Park Commission, headed by Ernest F. Coe. The commission was not entirely successful; it was given a purpose of acquiring land, but no money with which to do it.

Then in 1934 the U. S. Congress passed a bill authorizing a park in the Everglades. The maximum boundaries envisioned for this park would have included much of the Big Cypress Swamp and Key Largo, including the coral reef now within John D. Pennekamp Coral Reef State Park. But still no funds were authorized with which to purchase land. Eventually, efforts by conservationists paid off. Spurred by the state government's post-World War II allocation of land and \$2 million for the purchase of privately owned land within park boundaries, many people came forward to donate land. At last the park became reality. The year 1947 was a landmark year. That was the year that Everglades National Park was established, dedicated by President Harry S. Truman in Everglades City.

In the early years of the twentieth century, Florida's governor, Napoleon Bonaparte Broward, activated an idea that had tantalized generations of Floridians. The theory was that, since water runs downhill, a few canals could be dug, the water drained off the Everglades, and land for cities and farms would be created. So in 1909, the state's Everglades Drainage District completed the Miami Canal connecting Lake Okeechobee to the Miami River and the sea. Other canals soon followed.

Land south of Lake Okeechobee did become available for farming. But two hurricanes, one in 1926 and the other in 1928, swept Okeechobee waters over the low dike that had been built around it, and thousands died in the resulting floods. The tragedies led to the involvement of the federal government, and in 1930 the Army Corps of Engineers built a much larger Hoover Dike around the lake.

Drainage and canal-building went on, but the dream of new land became instead a nightmare of problems. Without its usual protective layer of water, the organic soil of the Everglades oxidized away. Fires burned out of control, smoldering in the organic peat now parched by drought. Salt water entered the Biscayne Aquifer, fouling water wells in Miami. Finally the ecological significance of the Everglades and its effect on all of South Florida began to dawn on its citizens.

A hurricane in 1947 that brought flood waters into the streets of Dade County was the catalyst which stirred action to impose order on the water-management chaos, and 1949 saw the establishment of the Central and Southern Florida Flood Control District. The District and its successor, the South Florida Water Management District, set about to prevent flooding during the rainy season, drain additional farmland, and maintain the fresh-water pressure head on the Biscayne Aquifer to prevent salt water from getting into that water-holding rock formation.

E. Bibliography (attached) ^x

IV. STATE OF PRESERVATION

A. Diagnosis

At the dedication ceremony of Everglades National Park, President Truman said "Here are no lofty peaks seeking the sky, no mighty glaciers or rushing streams...here is land, tranquil in its quiet beauty, serving not as the source of water but as the last receiver of it." The consequences of being the last receiver of water, is perhaps the key to diagnosing the condition of Everglades. Water is the tie that inextricably binds all parts of the biological system. It is the man-induced alteration of natural hydrologic regions in South Florida that has so seriously threatened the park's integrity.

What was once a natural overland sheet flow of water into Everglades National Park has been altered. Lake Okeechobee, 90 miles north of the park, is the wellspring for this life giving flow. To prevent flooding, levees were erected and canals dug to provide safe rapid runoff in event of hurricane and for draining rich muck lands south of the lake. Overland flow was further disrupted with the construction of the Tamiami Trail, a major east-west public transportation artery. Water now enters the park through point sources, four control structures, which act basically as water gates. During a severe drought in the early 1960's, water was stopped from entering the park in order to insure sufficient quantity for the urban areas. This precipitated large scale die-offs of park animals, which caused wide-spread and deep concern among many varied groups and individuals. The aftermath of these disastrous years was Public Law 91-282, authorizing a minimum water delivery into Everglades National Park and a provision for assuring good water quality of those delivered waters. With Congress having authorized minimum water deliveries through the control structures; the preservation of the Big Cypress watershed now assured; and the State acting to protect the east boundary buffer zone; the essential sources of water for Everglades National Park are reasonably secure.

However, assuring a water supply does not mean conditions have returned to a natural state. Water now enters at an altered rate, quality, and time of flow. Because biological cycles of many species correlate directly with water cycles or hydro-periods, some species have shown a decline over the years. Even Florida Bay and mangrove estuaries are affected by the altered and reduced freshwater column, mixing in their saline waters. There has been a decline in some commercial fish species over the last few years, and increased salinity may be a factor.

^x see pages 17 and 18

Other areas of concern include poaching, exotic species, and commercial fishing. The plume hunting days of the early 1900's devastated large numbers of wading birds, most of which have recovered, if not in original numbers, at least in viable populations. Alligator populations, also at critically low numbers at one time have increased dramatically. The Alligator is no longer considered an endangered species. Today, vigilant ranger patrols have virtually eliminated illegal hunting as a significant threat to wildlife populations.

Exotic plant and animal species are an insidious threat. Water hyacinth (Eichhornia crassipes), Casuarina, and Schinus, are all exotic plants which are presenting serious problems in South Florida and to a limited extent in Everglades National Park. As far as park research has found, no exotic animals occur in large enough numbers to constitute a major threat. Walking catfish (Clarias batrachus), has made some inroads into the park, and is being closely monitored.

Commercial fishing within the boundaries of Everglades National Park was authorized on a sustained yield basis by the 1934 Act. The stone crab, spiny lobster, and sponge fisheries show signs of excessive harvest with respect to recent historical records and National Park Service fishery management policy. Other fishery stocks appear to be relatively unaffected by harvest, but more dependent on environmental conditions.

B. Agent Responsible for Preservation/Conservation

U.S. Department of Interior, National Park Service, through
Everglades National Park
P.O. Box 279
Homestead, Florida 33030

C. Current Preservation and Conservation Activities

Far from evoking a scenario of environmental doom and despair, the *raison d'etre* of Everglades National Park is to assure perpetuation of this altered, but still remarkably intact biological system. What, at one time may have been a Sisyphean endeavor, is now at least, an endeavor of cautious optimism.

Everglades National Park has been involved in research and resource management since its nascent years. Only recently has research been given prominence and the support it deserved to allow it to become the logical predecessor of resource management. In what is now a park system-wide model, the research program at Everglades is designed to investigate and monitor the natural resources and process of geographically integrated ecosystem and to apply knowledge of that ecosystem in making recommendations for optimal environmental management.

Resource management objectives fit hand-in-glove with those of research. Vis-a-vis research recommendations, resource management develops programs to preserve the park's native terrestrial and aquatic resources, and, to the extent possible, restore habitat diversity and associated plant and animal communities.

In an effort to detail current preservation efforts a synoptic view of research and resource management is provided. By major heading the research program includes: hydrology, wildlife ecology, marine ecology, and plant ecology.

Hydrology--Hydrology is the research linch-pin of the Everglades system. All life within the Everglades is subject to the ebb and flow of water. The hydrology program is designated to identify specific problems which are of high priority with respect to park needs. For example, in addition to planning strategy for assuring sufficient water quantity to the park, agreements that establish water quality standards have been reached. They assure that delivery waters will not degrade as they are metered into the Park.

The long term goal of the hydrology program is to maintain and restore South Florida hydro-biological systems. Proposed projects will require from 3-5 years for completion. Three major responsibilities are assigned to the hydrology program. 1.) Under management: water quality standards have been set to assure water deliveries of sufficient purity to prevent ecological damage or deterioration of the park's environment. Tools are now being developed to enable proper management decisions regarding water delivery schedules through the man-made structures. Because of the fluid nature of water and downstream location of the park, surrounding water control projects of other agencies and municipalities can and do have adverse impacts. Many of these projects have been reviewed for their possible effects on the Everglades. 2.) The monitoring responsibility entails routine sampling of water quality, water level information, and flow rates. New experimental tools are used to increase the park data base; these include measuring rainfall through use of radar and monitoring by satellite to provide a broad view of wetlands. 3.) Research, the last major responsibility, will analyze hydro-records and through the use of innovative computer modeling techniques study major park watersheds. This will give park managers a sound technical base thereby enabling them to influence water management decisions that might threaten park interests.

Wildlife—Abundant and diverse wildlife populations are a major reason for the existence of Everglades National Park, and the principal cause for its popularity. Wildlife is therefore a critical consideration in park management. The overall objective of the wildlife program is to provide information and recommend management options that will permit the perpetuation of wildlife populations as part of their naturally functioning ecosystems. The program encompasses several distinct activities: surveys, monitoring and research. These activities all provide the necessary information for an ecosystem approach to wildlife management.

The overall objective of the wildlife survey project is to provide a system for assessing and monitoring populations and providing recommendations for management of species listed by the state and federal government as rare or endangered. Water birds such as the colorful roseate spoonbill and other herons are monitored as well as the popular American alligator and American crocodile. Fresh water fish, a critical element in the food chain, are also studied to determine how they are affected by man induced water fluctuations.

Marine—Marine resources in Everglades National Park are subjected to a number of stresses, both direct (fishery harvest), and indirect (watershed alteration). The marine research program seeks information to determine the condition of the resources and the effects of human activity upon them, and to develop proper strategies to reduce impact. The program consists of a study of estuarine ecology, development of a coastal oceanographic monitoring system, and two fishery studies regarding stone crabs and spiny lobsters.

Vegetation—The Plant Ecology Program aims at documenting what changes have occurred and are occurring in the flora of protected areas of South Florida. It is also concerned with providing information essential to preservation and restoration of native vegetation, through enlightened management of fire, water, invading exotic species, and visitor use. The basic objectives of the Plant Ecology Program are: supply information to enhance survival of all plant species, particularly those considered rare, threatened, or endangered. In addition, require information critical to fire management and to other habitat manipulation which would affect vegetation. This includes information pertinent to decisions concerning how frequently, at what time of year, and under what prescriptions to carry out prescribed burning; under what conditions natural (lightning) and man-caused fires should be allowed to burn or be suppressed; and, balancing the need for fuel reduction to reduce threats from fire to hardwood hammocks or private property against negative biological impacts. Floristic

changes may be used to predict changes throughout the ecosystem. This fact is important in making water management decisions. In the area of assessing exotic species, data regarding their ecological impact needs to be considered. Vegetation research can be of assistance in establishing programs for the park visitor. Information needs to be evaluated concerning the development of facilities and assessing visitor use patterns which affect vegetation and flora. And, interpretive programs are needed to enhance visitor appreciation of the remarkable flora and vegetation of South Florida park areas. This can lead to increased public support for preservation of the park, without hastening the demise of the flora by illegal collecting.

Resource Management--Controlled burning was pioneered as a management tool at Everglades. Fire has been successfully re-introduced as an essential element in perpetuating a native ecosystem. Through vegetation research, resource management, is making some headway in the complex battle of restoring former agricultural lands within the park to a semblance of natural conditions. These same disturbed lands and agricultural areas adjacent to the park boundaries have become seed sources for numerous and insidious exotic plant species. An ongoing campaign has for the most part controlled the spread of exotics within the park. A last major responsibility, is to assure a sustained yield, through regulation of the commercial and sport fishing harvest.

D. Means for Preservation/Conservation

Everglades National Park is legally established as a conservation unit per an act of Congress. The technical means for preservation have been discussed under IV A. Everglades National park is one in a system of over 300 areas administered by the National Park Service, U.S. Department of the Interior. Everglades National Park receives a budget allotment of approximately five million dollars (U.S.) annually. This amount is considered adequate to fulfill the mandate for which the area was established.

E. Management Plans

The following is a listing of local and regional plans having implications for Everglades National Park:

1. Draft Master Plan - July 1977

Seeks to place Everglades in a regional context, identifies critical planning components, discusses future developments, and resource management programs, proposes a land classification scheme, discusses interpretive and educational themes as well as land acquisition needs.

2. Final Environmental Statement on the Wilderness Designation--
July 1978
Details environmental impacts, adverse impacts, and discusses alternatives to the wilderness designation.
3. Wilderness Recommendation--August 1974
Proposes wilderness designation for 92.7% of Everglades National Park and the strict, preservationist management that such a designation entails. The Wilderness Proposal was passed by Congress in 1978.
4. Comprehensive Development Master Plan for Metropolitan
Dade County Florida--June 1974
A three part series of plans building the growth and development of Metropolitan Dade County. Part II, the Environmental Protection Guide outlines the effects of different types of urban developments and designates areas that should be conserved and protected, including critical buffer areas for Everglades National Park.
5. Statement for Management--Everglades National Park, 1977
The working document which states current management philosophy.

V. JUSTIFICATION FOR INCLUSION ON THE WORLD HERITAGE LIST

For Natural Property

Marjory Stoneman Douglas in her book The Everglades: River of Grass, describes the Everglades. "They are, they have always been, one of the unique regions of the earth, remote, never wholly known. Nothing anywhere else is like them: their vast glittering openness, wider than the enormous visible round of the horizon, the racing free saltiness and sweetness of their massive winds, under the dazzling blue heights of space. They are unique in the simplicity, the diversity, the related harmony of the forms of life they enclose. The miracle of the light pours over the grassland brown expanse of sawgrass and of water, shining and slow moving below, the grass and water that is the meaning and the central fact of the Everglades of Florida. It is a 'River of Grass.'"

There is a paucity of poetic utterances about the Everglades. Perhaps, because the Everglades are mysterious (though mystery often excites the imagination) their fundamental nature is often not understood. Perhaps creative lyricists were hindered by the lack of spectacular beauty. It's beauty is not spectacular; it is subtle. The real beauty of the Everglades is of another kind, appealing to what Darwin called "the eye of the mind."

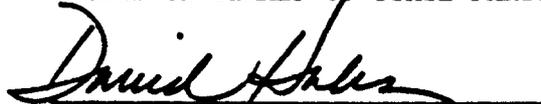
The Everglades is an outstanding example of a sub-tropical biome where temperate North America meets tropical America. Here complex biological processes occur basically unhindered. From basic algal associations through progressively higher species and ultimately to such primary predators as the panther and alligator, the food chain is superbly evident and unbroken.

As a haven for rare and endangered species, the Everglades has few rivals--with over 30 species that are protected within its borders. The largest number of breeding pairs of the American bald eagle (the symbol of the United States) on the east coast of North America are found here. Here the once endangered alligator fulfills its timeless and quintessential role as the keeper of the Everglades, as it provides water hole oases of life during harsh dry periods. Here the crocodile still maintains a tentative hold on survival - its numbers severely reduced through loss of habitat elsewhere. Multi-spectral color and sound displays are daily routine as roseate spoonbills, glossy ibis, snowy egrets, great white herons, and hundreds of other bird species go about their purposeful aerial peregrinations. The old-time sailor's seductive siren, the manatee plys convoluted estuarine channels, at last protected from the torment and dangers of boat propellers. And, the last viable east coast population of panthers still are able to satisfy their appetites in a protected habitat that encompasses hundreds of square kilometers.

Everglades National Park is a superlative example of viable biological processes and whose examples of rare and endangered species are of universal interest and significance. Such an array of features would seem to satisfy World Heritage criteria, (B) relating to outstanding examples of major evolutionary and geologic processes, (D) relating to habitats of endangered species of plants and animals of outstanding world significance, and to meet the criteria of integrity and manageability. But perhaps the true significance of the Everglades, this immense tract of water wilderness, is that it lies so near an urban environment of millions of inhabitants.

Rather than show the world a classic case of environmental mismanagement, the Everglades can depict a model of a struggling, but basically harmonious co-existence between a unique natural system and urban man. There are few places on the planet that can show this so well.

SIGNED ON BEHALF OF STATE PARTY



Deputy Assistant Secretary for Fish
and Wildlife and Parks

United States Department of the Interior

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Acknowledgements: The authors wish to thank K. C. Publications for use of certain portions of their book, The Everglades, the Story Behind the Scenery. Copyright 1978.

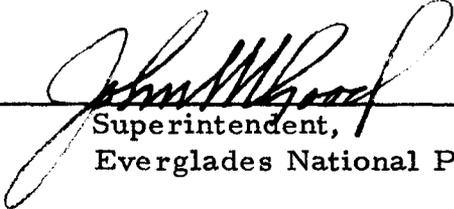
Documentation supporting the nomination of
Everglades National Park to the World Heritage List

The documents and other material listed below which have been received from the United States of America in support of the above-mentioned nomination can be examined in the Division of Cultural Heritage at Unesco and will be available for consultation at the meetings of the Bureau of the World Heritage Committee and of the Committee itself :

1. Topographical Map, Everglades National Park.
2. Map indicating boundaries of Park.
3. Map showing principal vegetation types in Park.
4. Statement for Management, Everglades National Park.
5. Series of photographs.

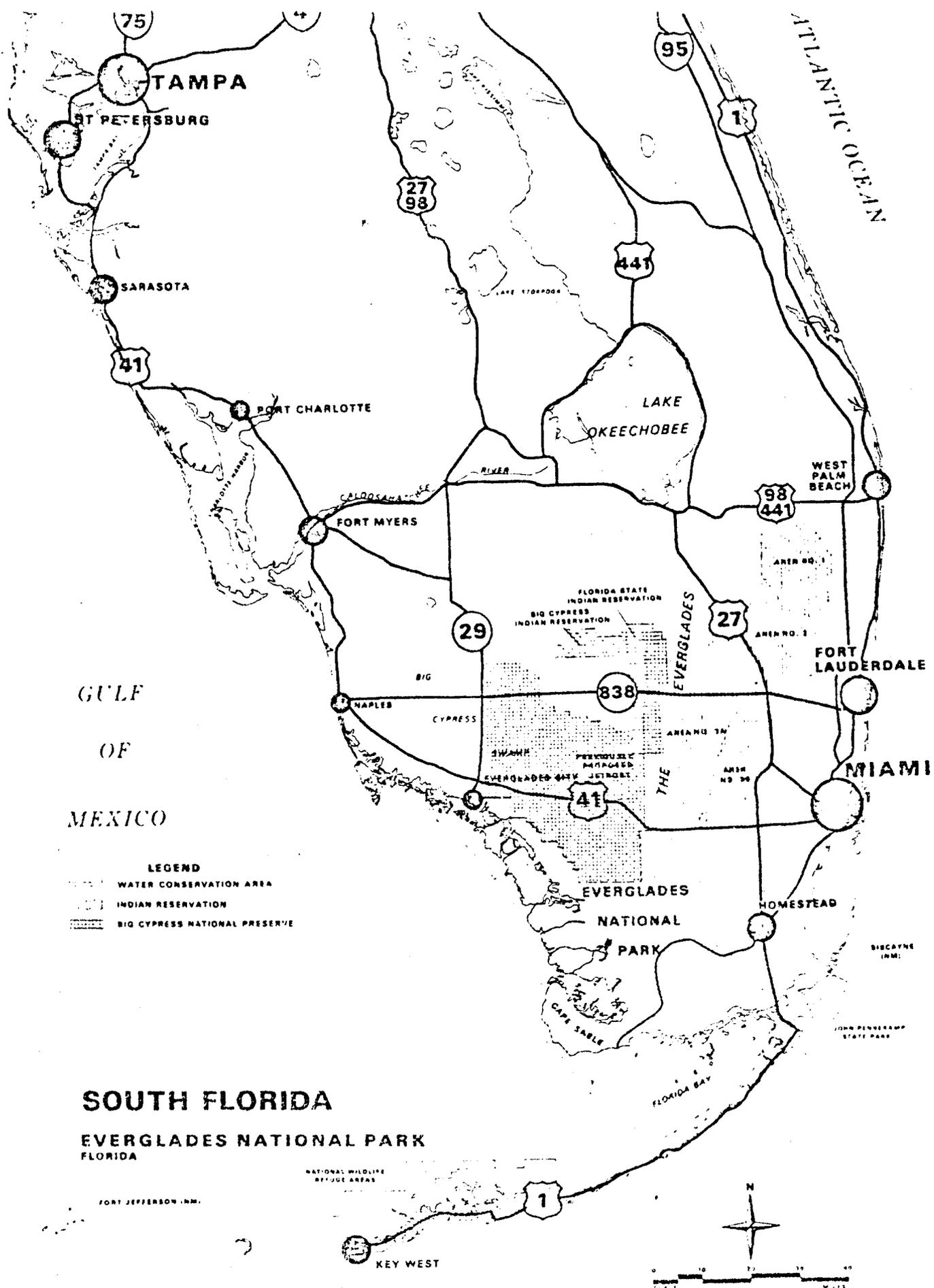
STATEMENT FOR MANAGEMENT

EVERGLADES NATIONAL PARK

Prepared by:  5/23/77
Superintendent, Date
Everglades National Park

WASO
Policy Review: William J. Briggie 5/5/77
Associate Director Date
Management and Operations

Final Approval: _____ Date
Regional Director
Southeast Region



GULF
OF
MEXICO

LEGEND
 [Symbol] WATER CONSERVATION AREA
 [Symbol] INDIAN RESERVATION
 [Symbol] BIG CYPRESS NATIONAL PRESERVE

SOUTH FLORIDA
EVERGLADES NATIONAL PARK
 FLORIDA

FORT JEFFERSON (NM)

NATIONAL WILDLIFE
 REFUGE AREAS

STATEMENT FOR MANAGEMENT

EVERGLADES NATIONAL PARK

May 1977

PURPOSE OF THE PARK

Congress passed legislation on March 1, 1929, authorizing the Secretary of the Interior to investigate the feasibility of an Everglades National Park project. On May 30, 1934, an Act was passed authorizing a park of 2,164,480 acres to be acquired by public or private donation. Little progress was made over the next 10 years, and to forestall further despoilation of the area, Congress passed on December 11, 1944, an Act authorizing the Secretary of the Interior to establish a Federal Wildlife Refuge in the area. In 1946, largely through the efforts of the Everglades National Park Commission, established by the Governor of Florida, \$2 million were appropriated by State legislature for the purchase of certain private lands in the area. The Act further directs that Everglades National Park shall be "established, dedicated, and set apart as a public park for the benefit and enjoyment of the people." Visitor use and enjoyment are, therefore, integral to the park's purpose. This first substantive land acquisition effort led ultimately to the formal dedication of Everglades National Park by President Harry S. Truman on December 6, 1947.

The enabling legislation of May 30, 1934, directed the Secretary of the Interior to establish Everglades National Park for the purpose of permanently preserving the area "as a wilderness, (where) no development . . . or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna of the essential primitive natural conditions now prevailing in this area." This mandate to preserve wilderness is one of the strongest in the legislative history of the National Park System and Service.

SIGNIFICANCE OF THE PARK RESOURCES

Everglades National Park is actually a shallow basin tilted to the southwest and underlain by extensive deposits of Pleistocene-aged limestone. The Miami limestone consists of an Oolitic and a Bryozoon

facies with the latter predominant in the basement rock of the park. Interestingly, these two components of the geologic foundations of the park are of inorganic and organic origin, respectively. Schizoporella floridana, a multi-laminate Bryozoan, is responsible largely for the production of that portion of the Miami limestone underlying the park. While peninsular Florida is geologically young, it is among the more stable portions of the continent, having undergone no significant structural change for many years.

Geographically, the Everglades are temperate, but biologically they are strikingly similar to the sub-tropical West Indies...having attracted hundreds of colonial forms. Many of the plant and animal species found in the park are at the limits of their ranges. The biota has great variety, and an ironic mixture of rare and abundant life forms. Complexity, diversity, high numbers of species, and low entropy, generally indicators of environmental stability and resistance to detrimental factors, further characterize the Everglades. There are striking and significant contrasts between natural diversity within the park, and dependency to synthetic uniformity in the highly urbanized world that man has built beyond its boundaries. Everglades National Park has been designated a World Biosphere Reserve as part of the United Nations Man and the Biosphere Program.

Several factors are significant determinants of the vegetative composition of the park. Naturally caused fires (or the lack of them), slight elevations or depressions in topography, and water are critical factors. Water is perhaps the most important, in an area which often receives in excess of 60" of precipitation annually, and which has from pre-historic time received periodic overflows from Lake Okeechobee and its watershed to the north. The nature of the substrate has also had an important effect on the water regime in the park. The ordinarily highly porous limestone is overlain with variable thicknesses of marl and peat, which minimize water loss through seepage. Other elements altering the vegetative composition of the park have, and will continue to include, inland penetration of seawater as a result of lowered water tables and canalization, hurricanes, and a proliferation of exotic species such as Australian pine, wild tamarind, etc.

Florida Bay includes some 800 square miles of very shallow embayment overlaying unconsolidated calcareous sediment on the surface of the oolitic facies of the Miami limestone. Its maximum depth varies from eight to nine feet and its average depth is four to five feet. The bottom is irregular consisting of anastomosing mudbanks on some of which mangroves and other brackish water plants have pioneered to form small keys or islands. The waters of the bay are considered one of the most productive natural limestone "factories" in the United States.

The climate is moderate with annual precipitation often exceeding fifty inches (127.0 cubic centimeters). Winter temperatures are mild and seldom reach near-freezing levels. Summer temperatures generally range from mid-70's to mid-90's. The entire area is influenced by swift and natural alterations of hurricane force storms and fire. Elevation above the datum plane seldom exceeds a few feet. Over two-thirds of the total area of the park is perennially or periodically inundated by either fresh, saline, or brackish water.

Within the park there are five discrete vegetative types. Hammocks are tree islands that are generally composed of mature mixed hardwoods. Bayheads are tree islands generally consisting of isolated stands of specific species; i. e., cypress or willow. Pinelands, consisting predominantly of Florida slash pine, occupy elevated outcroppings of Miami limestone. The coastal mangrove area composed largely of black, red, or white mangrove or mixtures thereof, is probably the largest mangrove forest in the world. Sawgrass, actually a sedge, covers extensive lowland prairies to the north and east.

Hammocks, bayheads, and pineland areas are generally elevated or otherwise vary sufficiently from the datum plane to be insulated from the effects of flooding and protected from fire. Bayheads, consisting predominantly of one or two species occupy either slight elevations or depressions (e. g., bay trees generally predominate in elevated deposits of peat and cypress trees in shallow ponds). Mangrove and sawgrass areas are periodically or perennially inundated by shallow water.

The great floral variety of the Everglades is one of the key reasons for the establishment of the park. Among the more prominent and colorful plants are the bromeliads and epiphytic orchids. As many as twenty-five orchid varieties are known to occur within the park. There are over 1,000 kinds of seed-bearing plants and more than 120 species of trees, both tropical (palms, gumbo-limbo, mangrove) and temperate (ash, mulberry, and oak). Even plants ordinarily associated with the hot and arid deserts; i. e., cactus, yucca, and agave or century plant, thrive in certain parts of the park. Woody and herbaceous vines, including the noxious and cosmopolitan poison ivy, are significant elements of the forest understory.

In addition to the terrestrial systems, there are at least four distinctively different aquatic community types within the park. The inland fresh water areas consisting of broad, shallow "rivers", small scattered ponds, and alligator holes; brackish water or estuarine areas where fresh and salt water merge; shallow shoreline and offshore embayments; and, the deeper Gulf coastal waters. As might be expected,

fresh water and marine fishes and invertebrates abound in these areas. In addition, the area of transition from glade to mangrove-- fresh to salt water--is an incredibly rich and productive zone incubating great numbers of life forms.

The general vegetative composition of the park as listed in the World Directory of National Parks and Other Protected Areas, prepared by the IUCN, is indicated by the following categories and estimated acreages:

- broad leaved evergreen sub-tropical forest (hammocks)--
8,100 hectares
- mangrove forest--93,150 hectares
- flood savannah or fresh-water marsh--188,325 hectares
- salt marsh (coastal marsh, coastal marl prairie)--43,740 hectares
- needleleaved deciduous forest (cypress)--2,430 hectares
- needleleaved evergreen woodland (round-crowned needleleaved forest) or pineland--8,505 hectares
- deciduous swamp forest (bayhead, willowhead)--10,125 hectares
- short-grass tree savannah (coastal prairie)--3,240 hectares
- marine and estuarine vegetation--209,601 hectares

The dominant marine grasses are turtle grass (thalassia testudinum), shoal grass (Diplanthera wrightii), and manatee grass (Syringodium filiforme). These submerged marine plants are distributed primarily according to their tolerance of salinity and changes in the characteristics of their benthic habitats. Most importantly, they perform a sediment trapping and stabilizing role along the shallow-water Florida Bay mudbanks which create an extensive habitat for aquatic organisms. Halophilia engelmannii is found in lesser abundance.

Marine algae is composed primarily of two classes, Chlorophyta, the green algae, and Rhodophyta, the red algae. The dominant genus of green algae found in deeper water habitats of northwest Florida Bay is Caulerpa. The family Codiaceae found in shallow water habitats of the east and central Florida Bay are Halimeda, Penicillus, Udotea, and Rhipocephalus. They are the major contributors of calcified fragmented segments of the substrata which are stabilized and bound together by the encrusting red algae, Rhodophyceae, of coralline algae of the genera Doniolithon and Lithothamnion.

Among the dominant plants are the following: South Florida slash pine (Pinus elliottii)(van densa), bald cypress (Taxodium distichum), Royal Palm (Roystonea elata), cabbage palmetto (Sabal palmetto), paurotis palm (Paurotis wrightii), saw-palmetto (Serenoa repens), Florida silver

palm (Coccothrinax argentata), West Indian mahogany (Swietenia mahogani), gumbo-limbo (Bursera simarouba), manchineel (Hippomane manchinella), red mangrove (Rhizophora mangle), white mangrove (Laguncularia racemosa), black mangrove (Avicennia nitida), wax myrtle (Myrica cerifera), persimmon (Diospyros virginiana var. mosieri), swamp ash (Fraxinus caroliniana), Florida strangler fig (Ficus aurea), red mulberry (Morus rubra), sawgrass (Cladium jamaicense), cardinal wildpine (Tillandsia fasciculata var. densispica), pond apple (Annona glabra), swamp lily (Crinum americanum), leather fern (Acrostichum danacacfolium), sword fern (Nephrolepis biserrata), resurrection fern (Polypodium polypodioides), Virginia creeper (Parthenocissus quinquefolia), pine-pink orchid (Bletia purpurea), wild coco orchid (Eulophia alta), butterfly orchid (Epidendrum tampense), and pickerel-weed (Pontederia lanceolata).

Everglades is a haven for over twenty-five threatened and endangered species. There are only about twenty-five native land mammals, including two marine forms (the manatee and the bottle nosed dolphin) endemic to the park. Of the approximately sixty known species of reptiles and amphibians, twenty-three snakes, including four poisonous varieties, and the American alligator and crocodile occur in the park.

Everglades is probably best known for its varied and kaleidoscopic seasonal displays of birdlife. Over 300 species of birds, many of which are extremely rare, have been recorded in the park. One of the chief reasons for the establishment of the park was growing concern that rookeries of herons, ibis, and other wading birds be protected from the decimating effects of commercial exploitation, encroaching development, pollution, and other human impacts. Ironically, thousands of human beings now seek the sanctuary of the park to escape similar problems in the synthetic world they have built. Unfortunately, the ultimate significance of Everglades and places like it may be that they are the last refuge, not of eagles, woodstorks and elephants, but of man himself.

The intermingling of species and the tendency to greater numbers and varieties of life forms of the shared boundaries of coterminous communities--a phenomenon known as the edge effect--is well illustrated in the Everglades. Species that one would not ordinarily expect to find sharing the same habitat are commonly observed together. Oddly, there are also some fascinating analogies between biological phenomena in the Everglades and in the southwestern deserts, the sub-alpine timberline, and the subterranean world. Living conditions in each of those systems frequently require more diverse and often bizarre morphological and physiological adaptations of plant and animal species competing for survival at those fragile interfaces.

Among the species that are either threatened or endangered, or whose status is as yet undetermined, are the following: Florida panther (Felis concolor coryi), manatee (Trichechus manatus latirostris), round-tailed muskrat (Neofiber alleni struix), mink (Mustela vison evergladensis), Florida great white heron (Ardea occidentalis), Everglades kite (Rostrhamus sociabilis), short-tailed hawk (Buteo brachyurus), Southern bald eagle (Haliaeetus leucocephalus), American peregrine falcon (Falco peregrinus), Florida sandhill crane (Grus canadensis), Cape Sable sparrow (Ammospiza mirabilis), Eastern reddish egret (Dichromanassa rufescens), wood ibis (Mycteria americana), roseate spoonbill (Ajaja ajaja), Atlantic sooty tern (Sterna fuscata), Atlantic noddy tern (Anous stolidus), Florida mangrove cuckoo (Coccyzus minor), West Indian nighthawk (Chrodeiles minor gundlachii), Cuban black-whiskered vireo (Vireo altiloquus), Cuban yellow warbler (Dendroica tetchia gundlachii), American osprey (Pandion Haliactus), American alligator (Alligator mississippiensis), American crocodile (Crocodylus acutus), and Atlantic green turtle (Cheronia mydas mydas).

Archeologists are uncertain when the first pre-Colombian men reached Florida, but they were linguistically related to tribes speaking the Muskogean dialect and are referred to generally as "Glades Indians." They are known to have used fire and made clay pottery for use as cooking vessels. They erected mounds of sand and shells as places of worship to their primitive pantheistic deities, to elevate their simple bark shelters above water level, and to honor their dead.

They were independent, territorial, and prone to war with both early Spanish explorers and internally among smaller tribal groups. The two principle sub-groups to which some tribal lineage with the modern Miccosukee group can be traced were the Tequesta and the Calusa. Actually, the Miccosukee tribe is more closely related to the northern Creek Indians of Georgia and Alabama, and did not reach southern Florida until after the American Revolution. They moved progressively deeper into Florida and eventually conquered or intermarried with the remnants of the earlier Calusa tribe.

For the most part, the Tequesta and Calusa were coastal dwellers. The Tequestas inhabited the east coast of the everglades region (including Miami) and the Calusas the west coast. Some mingling of the two groups probably occurred at Cape Sable. Both tribes survived by utilizing the resources available in the marine-rich coastal areas.

The Calusas on the west coast were great builders of dry land and account for most of the Indian mounds and middens found in the park. They built both earth and shell mounds, a practice which confuses archeologists who attempt to recreate the life of the Calusas. Many

of the mounds have been mapped for reference, and a few have been opened for study. Many more undoubtedly exist which have not been mapped or studied. According to Charlton Tebeau in his book Man in the Everglades, nearly all Indian mounds of any size have either been cultivated or inhabited by non-Indians.

The Miccosukee Indians of today are a proud and still fiercely independent people. They shun contact with other Florida Indians, and cling to a life-style not unlike that which enabled their forebears to thrive in an environment considered inhospitable by many standards. Their ability to live with their environment rather than apart from it, and their simple celebration of the earth are qualities too often lacking from our lives.

The human history of the Everglades region is not limited to aboriginal cultures. Among other things it includes settlement and attempts to farm and fish along the Gulf coast, military expeditions during the period of the Seminole wars, visits by distinguished naturalists, periods of wholesale slaughter of birdlife by commercial hunters, and limited but profitable timber harvests.

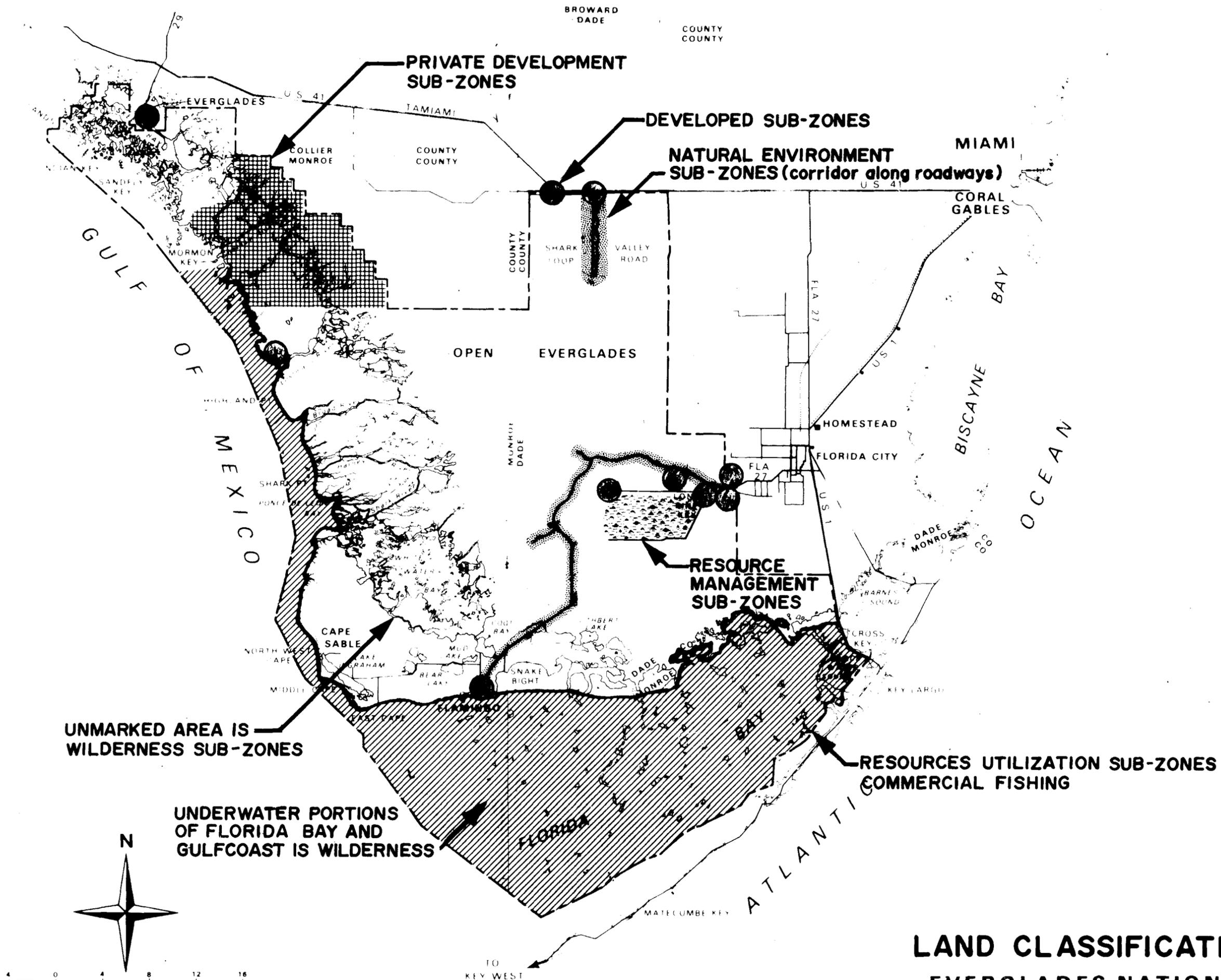
Non-Indians began occupying the park area in the late 1800's. Many homesteads were found along the west coast of the park. Plume hunters found a lucrative business, and a community of fishermen, plume hunters, and others created a small pioneer village at Flamingo. Dwellings were ramshackle and reached only by water until a road from Homestead to Flamingo was completed in 1922.

Numerous land development schemes occurred in the Cape Sable area. Attempts to drain the Everglades by digging canals were fruitless. Every scheme ultimately failed, but modern man had left his mark on the Everglades. The Homestead canal still parallels the old highway to Flamingo. Other canals are found at Cape Sable.

LAND CLASSIFICATION

Park lands are classified to designate various strategies for management and use that will best fulfill management objectives and achieve the purpose of the park. The entire area has been designated a natural zone consisting of six subzones that define the management strategy adopted for each. The subzones are:

1. Private Development Subzone--areas in which private inholdings are located.



LAND CLASSIFICATION MAP
EVERGLADES NATIONAL PARK
 FLORIDA



UNITED STATES DEPARTMENT OF THE INTERIOR — NATIONAL PARK SERVICE

2. Resource Management Subzone--areas in which intensive resource management is underway.
3. Developed Subzones--areas in which there are aggregations of buildings, parking lots, and other government and/or public facility developments.
4. Resource Utilization Subzone--areas in which commercial fishing is authorized by legislation and/or special regulations.
5. Natural Environment Subzones--corridors defined by roadways passing through other subzones, principally wilderness.
6. Wilderness Subzone--all areas both terrestrial and submerged, proposed for wilderness designation.

In Florida Bay there are dual subzones in that the waters authorized for commercial fishing, and therefore in a resource utilization subzone, overlie submerged marine wilderness.

The aggregation of buildings, parking lots, service roads, utilities, and interpretive facilities at Flamingo, Park Headquarters/Royal Palm, Iori's Research Center and missile base, and on the north end of the Shark Valley loop road are all managed as developed subzones.

The corridors defined by the Shark Valley loop road, the main park road, the access roads to interpretive facilities such as Mahogany Hammock and Pa-Hay-Okee are managed as natural environment subzones.

The private inholdings (approximately 1,400 acres by December 31, 1976) concentrated in the northwest extension of the park (Monroe County) are managed as a private development subzone. The Service is in the process of acquiring all private inholdings in fee simple through condemnation proceedings or negotiations.

The 7,000 acres known as the Hole-in-the-Donut which had been under intensive agricultural use for many years prior to its acquisition by the Service is under intensive resource management designed to ultimately restore it to reasonably natural conditions. The Hole-in-the-Donut has been designated as a resource management subzone.

All areas in the wilderness subzone are managed in ways that are designed to protect their values in accordance with wilderness management policies enunciated by the National Park Service.

While there is an apparent inconsistency in the designation of the Florida Bay waters as both a resource utilization subzone and a wilderness subzone, fish can be harvested from the waters of Florida Bay on a sustained yield basis as authorized by Special Regulation (36CFR) without causing major damage to the mudbanks and aquatic vegetation constituting the wilderness subzone portion of that area.

INFLUENCES ON MANAGEMENT

Legislative and Administrative Constraints

Everglades National Park is managed in general accordance with the Act of August 25, 1916, (39 Stat. 535) entitled, "An Act to Establish a National Park Service, and for other purposes," as amended and specifically under certain provisos of an Act to provide for the establishment of Everglades National Park (48 Stat. 816). Those provisos are: that "the United States shall not purchase by appropriation of public monies any land within the aforesaid area but such lands shall be secured by the United States only by public or private donation." (16 U.S.C. Sec. 410); that "no land for said park shall be accepted until exclusive jurisdiction over the entire area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States," (16 U.S.C. Sec. 410a); that, "the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to this park;" and, that, "nothing in this Act shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created." (16 U.S.C. Sec. 410b). Other legislative constraints and/or commitments on management include:

1. Lack of exclusive jurisdiction over lands added to the park since 1951 (without additional legislation) (Sec. 264 of the Florida Statute).
2. Provisions for public utility easements and rights-of-way along Indian Key Channel, and the State Highway from Everglades City to Chokoloskee Island (74 Stat. 577).
3. Restrictions on the Federal Government that prevents its management of lands in private ownership as part of the park (16 U.S.C. 410i).
4. Permission for "such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water... as required by the State of Florida" to drain certain lands lying along the outside of the eastern

boundary of the northwestern extension of the park. The Secretary of the Interior shall grant permission for these drainage works only after finding that they are not "seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park... and (only after a Master Plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan... is so designated as to minimize disruptions of the natural state of the park. (16 U.S.C. 410n).

5. Provision of either a minimum of 315,000 acre feet per year or 16.5% of total annual deliveries of water, whichever is less, from the water conservation areas to the north (Sec. 2 P.L. 91-282, June 19, 1970).
6. For private interests that held valid mineral rights prior to their termination in 1958, the right to customary royalties at the time of production of any oil, gas, or minerals which may be produced from certain lands at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns (16 U.S.C. 410e, 16 U.S.C. 410j).
7. The retention of mineral rights on certain lands (approximately 65,200 acres) (16 U.S.C. 410e).
8. Commitments enforced and limited by provisions in the Code of Federal Regulations, to provide for commercial and sport fishing in the park's open marine waters, including most of Florida Bay, Gulf of Mexico, and the navigable coastal waterways between Chokoloskee Bay and Gopher Key Creek. Such fishing is permitted on a "sustained yield basis" in conformity with the laws of the State of Florida. Refer to memoranda and public correspondence in central files. Specifically, letters of the Director, dated November 16, 1955, March 30, 1966, and May 17, 1966. Also refer to Memorandum of Understanding dated December 18, 1968.
9. Contracts and Memoranda of Understanding between National Park Service and Everglades Park Catering, Inc. (proposed but not yet executed).
10. Use of 659.10 acres of land by the United States Army for a missile base (Special Use Permit expires February 13, 1986).
11. Use of portions of park lands by the Miccosukee Indians for a tribal burial ground (333 acres until October 31, 1984) and community development (approximately 305.33 acres until January 24, 2014), under provisions of a Special Use Permit.

12. Wilderness Act - P. L. 88-577, 78 Stat. 898 (16 U.S.C. 1131-1136). Legislation to officially designate significant portions of Everglades National Park as wilderness is pending in the 95th Congress.
13. Endangered Species Act, P. L. 91-135, 83 Stat. 283 (16 U.S.C. 668aa-668cc-5), and proposed 50 CFR 17, determinations of critical habitat for Cape Sable sparrow, Everglades kite, and dusky seaside sparrow.
14. Certain provisions of the National Environmental Policy Act of 1969 - P. L. 91-190, 83 Stat. 852 (42 U.S.C. 4321, 4331-4335, 4341-4347).
15. Special directives (SERO and WASO) on file in central files.

Regional Influences

The area in which the park is located may be characterized as the south Florida region, a ten-county area encompassing the entire southern portion of peninsular Florida, south of Lake Okeechobee. There are three major disturbing regional impacts on the park:

1. Extensive development of water supply and flood control structures (canals) north and east of the park interrupting the historic drainage in the watershed.
2. Heavy agricultural development with the consequent impact of aerially applied pesticides and fertilizers and the depletion of surface aquifers on lands adjacent to the park.
3. Burgeoning population in the metropolitan Miami area with urban sprawl and unplanned and ecologically unsound speculative land development.

The south Florida region's growth is reflected by an increase in population from less than 1/2 million three decades to 2.5 million in 1970. By the year 2000, it is projected this population will exceed 5 million residents. Almost all of the increases to this time have been in urban areas generally located along the east coast. Currently there is an urbanization trend developing on the west coast in the Fort Myers and Naples areas. The more significant increases in population growth and urbanization are forecast for areas to the west and northwest of the park. Modest increases are also foreseen for the areas immediately south of Lake Okeechobee and westward from the east coast of Florida.

Westward expansion is limited by the presence of water conservation areas and the eastern boundary of Everglades National Park.

Urban growth of the south Florida region will result in continuing impacts on the park through increased demands for water, highway and transportation facilities development, power lines, water distribution systems and general changes in land use patterns. An inevitable consequence of expanded land use and development in southern Florida is a concomitant increase in the construction of canals to drain swampy land and to assure protection from high water during the rainy season. Urbanization and other general land uses cannot be accomplished until water control measures are implemented. The anticipated demands brought about by population growth, particularly in the western part of the region, will result in inevitable pressures for further canalization that will threaten the integrity of the aquatic systems of the Everglades.

A moderate year-round climate without notable seasonal changes, extensive rainfall, and an abundant source of migrant farm labor are conducive to the intensification of agricultural development adjacent to the park. This will result in the continued heavy application of aerial insecticides resulting in residual chemical dispersal into the fresh water drainage systems of the park.

In addition to the drainage of residual insecticides into the Taylor Slough along the eastern boundary of the park, there have recently been attempts to develop a subdivision with the consequent impact of roads, land clearing, etc. While it has been temporarily halted, this and other real estate developments pose a continuing threat to the integrity of the Taylor Slough and its water quality.

While there are no immediately discernible influences or effects from the operation of the Turkey Point nuclear power plant, approximately twenty miles east of park headquarters, plans have recently been unveiled by Florida Power and Light Company to build as many as eight additional nuclear generators at the southeastern edge of the existing facility. Such a nuclear energy facility will be unprecedented in its size, power, and potential impact on the surrounding environment. Even weather modification must be considered as a potential effect of the facility. Construction of the new center is planned to begin as early as 1977 with a projected completion date in the late 1990's.

The chain reaction triggered by population growth, pollution, industrial and agricultural encroachment, and other problems is complicated and far-reaching. Habitats are threatened, species fail to reproduce, exotic plants proliferate, rare plants and animals become fewer in number, salt water intrusions occur more frequently, the marine fishery declines, etc. The park's dependency on the Central and Southern Flood Control District system for water is now a fact of life. Clearly, the problem becomes even more complicated as the south Florida population continues to grow and water needs become more critical.

As the development of south Florida continues, efforts are being made by the state, counties, and private associations to place outdoor resources in public trust. Within a 100-mile radius of Everglades National Park there are approximately twenty-five public and private campgrounds totaling some 3,000 tent and trailer sites. Of these campgrounds, half provide combined swimming, fishing, and boating facilities. In the Big Cypress area the Corkscrew Swamp Preserve has been established by the Audubon Society. On October 11, 1974, the President signed Public Law 93-440 authorizing the establishment of the Big Cypress National Preserve. Presently the state is negotiating to acquire portions of the Fakahatchee Strand and the Ten Thousand Islands. Other recreational attractions distributed within 175 miles of Everglades National Park include some fourteen state parks and preserves, two national monuments, six national wildlife refuges, three Indian reservations, and an excellent system of local parks in Dade County.

In addition to the existing expressway systems in metropolitan Dade, other federal, state, and metropolitan transportation systems are being studied. As now envisioned, these new systems will provide limited access and major arterial roads by 1985 for south Dade County and the city of Homestead. A major arterial is proposed to bypass Homestead on the west, connecting to the Homestead airport, and terminating at US #27 a mile east of the park entrance. Plans have also been prepared for expanding US #1 to four lanes from Homestead to Key Largo. On the west coast, south of Fort Myers, US #41 (the Tamiami Trail) is being widened and that portion of the Trail bordering the park on the north is proposed for four-laning in the not too distant future.

The Homestead extension of the Florida Turnpike was completed within the past two years and now provides almost direct access to the park entrance from north and central Florida.

Any one of the factors associated with human encroachment could irreversibly alter the park ecosystems, leaving only small remnants of systems or small populations of many wildlife species. There are, however, some encouraging signs to indicate that the region may yet cope effectively with its growing problems. The South Florida Regional Planning Council was organized in 1969 and is attempting to initiate comprehensive planning. A greater awareness of ecological problems has also brought about growing concerns for conserving marine fishery resources in south Florida waters, for preserving additional natural areas such as the Big Cypress National Preserve, and for placing limitations on development of the Florida Keys. Recent legislation allows the state to dedicate areas of critical environmental concern. After these areas are recognized, local governments are given an opportunity

to initiate controls. If the local levels do not respond, the State would then take over control and responsibility. This legislation, known as the 1972 Land and Water Management Act, authorized the State to zone critical environmental areas (not to exceed 5% of the state) and regionally important developments, and designates a state agency to propose and adopt a comprehensive land use plan. The Act also authorized \$240 million in bonds for state acquisition of environmentally endangered coastal lands and inland recreational lands.

The 1972 Water Resources Act authorizes a comprehensive State plan for the conservation of Florida waters in five districts. Agreement has been reached with the Florida Flood Control District and the Corps of Engineers regarding the water requirements for Everglades National Park. Water flow into the park from the north, guaranteed under provisions of Public Law 91-282, is metered through Flood Control structures operated by the Corps of Engineers. There are presently over 1,000 miles of canals in the Flood Control network administered cooperatively by the Corps and the Flood Control District.

Local civic groups and conservation organizations within the Miami area are concerned with the problems related to urban growth and development which are common to the park. These groups have been in full support of the park and park management since its establishment in 1947, and many of them were instrumental in efforts to establish the park many years prior to that date. Among the groups who have special interests in the activities of the National Park Service and specifically in the destiny of Everglades National Park are the Audubon Society, the Izaak Walton League, the Sierra Club, Collier County Nature Conservancy, the Everglades Natural History Association, Friends of the Earth, Friends of the Everglades, the National Parks Association, National Wildlife Federation, Wilderness Society, and the World Wildlife Fund. The above mentioned groups constitute a large and concerned electorate capable of influencing both State and Federal government officials with respect to legislation favorable to the National Park Service and to Everglades National Park.

Among government agencies concerned directly with the management of the park are:

1. U.S. Department of Defense, including the U.S. Army Corps of Engineers and the Army agency in charge of the missile site installation.
2. Bureau of Indian Affairs.
3. U.S. Geological Survey

4. U.S. Coast Guard

5. Environmental Protection Agency, Water Quality Office

The latter agency and the U. S. Geological Survey are both involved in cooperative water quality monitoring and hydrological data evaluation. The Corps of Engineers is responsible for building most of the flood control structures in south Florida and they are, in turn, managed by the Florida Flood Control District. The Bureau of Indian Affairs is involved with the administration of the Indian lands on the north boundary of the park, and the Department of Defense is involved in the installation and operation of the Nike Missile Base located in the Hole-in-the-Donut.

In addition, there are several agencies peripherally involved with the management of the park. They are: U.S. Department of Agriculture, Agricultural Research Service, and Soil Conservation Service; the National Marine Fisheries Service; the U.S. Coast and Geodetic Survey; Bureau of Outdoor Recreation; Bureau of Sports Fisheries and Wildlife; and the Department of Transportation.

Local governmental agencies include Metropolitan Dade County Commissioners and State Department of Natural Resources. Metropolitan Dade County Commission has a planning advisory board that is responsible for the County Development Master Plan which can have a major influence on activities and developments adjacent to the park.

The State Department of Natural Resources is responsible for promulgating fishing regulations (both sport and commercial) which are enforced in the park.

The Metropolitan Dade County Planning Advisory Board has conducted an urban area transportation study. The resulting County Transportation Master Plan addresses five transportation elements: streets and highways, mass transit, airports, seaports, and terminals. While there may be little immediate effect from this plan, there are long range implications that may significantly effect management of the park, particularly with respect to visitor access and circulation. Implementation of the county master plan will effect park management by improving access to park entry points, thereby potentially increasing visitation to and within the park. It is conceivable that as the plan is implemented, Everglades may become a terminal point for one of the planned mass transit systems.

Within-Park Influences

Total annual visitation has exceeded one million since 1966. During 1975, over 1,017,000 visits were recorded, and of that number a surprising 17% (170,391) entered by boat. Also, a consistent and relatively large percentage of automobile entries are made by individuals with boating interests.

Due to its proximity to urban centers, a significant number of annual visits are from those areas. This is particularly true of the Miami and Miami Beach areas because of their heavy commitment to tourism. In addition, location adjacent to several sizeable communities contributes to a substantial level of return visitation, both by regular groups and students involved in cooperative environmental education activities. During the 6-month environmental education program of 1975/76, over 26,000 participating students will visit the park. With 200 as the average projected number of days per year during which this activity can be conducted under the quinmester system, as many as 30,000 young people may be transported to the park or involved in off-site programs each year.

The uniformity of climate throughout the south Florida region contributes to year-round pattern of visitation. The seasonal exchange that characterizes many of the northern parks do not manifest themselves here; rather, there are only slight variations in temperature and other weather determinants from one season to another. Travel variations at Everglades are determined more by climatic changes elsewhere in the country than by the subtle ones that take place here. Even so, there are three distinct travel "seasons" signaled by marked increases or decreases in visitation.

The peak season begins on or about December 15 and extends through April 15. This is the period that corresponds with the summer season in many northern parks, although it is of obviously longer duration. The summer, or low visitation season, begins on or about April 30 and extends to September 1. Travel generally declines during the warmer mosquito-ridden summer months when the cooler northern parks are more readily accessible. The third distinct season at Everglades coincides approximately with the beginning of the traditional academic year, on or about September 15. This period extends to approximately April 30 overlapping with the heavy travel season, although not significantly increasing daily visitor loads.

Park visitors probably conform to typical visitor profiles in that they are generally from urban settings and with above average educational and income levels. It is likely that a higher percentage of visitors arrive in Everglades with some level of informed interest or concern than in many other national parks. This is particularly true because of comprehensive nation-wide publicity given to environmental problems exemplified in the Everglades, e.g., the jetport controversy, fire and drought problems, near extinction of species, etc.

A significant percentage of visitors to Everglades are of foreign origin. In Dade County alone, approximately 50% of the population is comprised of resident aliens and greater Miami is a bi-lingual city.

A significant number of trailers and other recreational vehicles entered the park during 1975. While they comprise a relatively small percentage of the total visitation, it is further indicative of the recreational orientation of many park visitors. Furthermore, the vast majority of this trailer use is concentrated into the five month period of December through April.

The number of visitors entering the park by boat is an area that merits special consideration. Everglades is perhaps unique among national parks in that there are virtually unlimited and uncontrolled points of access by boat. This is particularly true in that portion of the park bordering the Florida Keys and the Ten Thousand Islands area near Everglades City. Several hundred thousand people are estimated to enter the park in this way each year. Of that number, a very high percentage can be expected to have little or no knowledge of the park. In fact, it is likely that many of them do not know that they are in a national park at all.

In March of 1972 a major public transportation system was inaugurated at Shark Valley. Through December of 1976 the transportation system had accommodated more than 314,000 visitors. Had all of these people used private automobiles to make the trip, approximately 81,180 cars would have traveled the Shark Valley loop road during the same period, burning an average of 1.5 gallons of gasoline per trip. At that consumption rate, more than 121,700 gallons of gasoline would have been used. During the same period, the trams made 9,694 trips and consumed only 42,930 gallons of LP gas. This represented an 84% reduction in vehicles over the road and 64% fewer gallons of fuel consumed. The transportation system and Shark Valley have become a major focal point for visitor activity within the park. It is anticipated that over the next several years the visitation will increase annually with a potential monthly visitation of more than 25,000 visitors to that area. The present system is adequate to accommodate visitor demand at this time.

In addition to the above management concerns, a proliferation of exotic species such as Australian pine (Casuarina equisetifolia) is occurring in many localities throughout the park. This plant species is a major problem throughout the south Florida mainland and readily invades and displaces native vegetation, particularly on previously disturbed sites. Many areas in the park support disturbed second vegetative growth and are susceptible to invasion by this species. Other exotic plants occurring on the mainland portion of the park or on adjacent insular locations which represent an adverse influence include Schinus terebentifolius and Melaleuca quinqueneruia. Efforts to control and reduce the occurrence of Australian pine and other exotics are incorporated in the park's natural resources management plan.

The historical and cultural resources of Everglades National Park have been identified in a series of archeological and historical surveys. These have been conducted in compliance with Executive Order 11593. Appropriate nominations to the National Register have been made for all such historical and cultural resources. The historical and cultural resources of the park have been fully identified in the Historic Resources Management Plan (February 1977 draft). Those resources are briefly summarized on pages 6 and 7 in the section on Significance of Park Resources.

The resource management staff of the park is committed to a comprehensive and long-range management program involving control of exotic plants and animals as well as the re-introduction and use of fire as a resource management tool.

While the 7,000 acres known as the Hole-in-the-Donut was purchased in 1970 through negotiation with landowners, they were given five years to phase out their agricultural harvesting operations. June of 1975 marked the termination of that transition period, and those noncompatible activities have now been eliminated. Since June of 1975, personnel from Everglades National Park have been involved in designing and implementing an extensive resource management program in the Hole-in-the-Donut. That program is designed to restore the area to as near natural conditions as possible. It includes the systematic eradication of non-native agricultural plants, plowing and disc harrowing, establishment of photographic grids and other study transects, reintroduction of native trees, and a variety of study designed to gather more information about the area in order that the Service may manage it in the wisest possible way.

A comprehensive and active program of natural science research is in progress under the direction and coordination of a resident scientific staff. Presently there are approximately 100 studies underway, many

conducted by collaborators from colleges and universities. The Division of Research will, over the next few years, undergo a significant expansion in personnel and materiel support, including a move to a satellite location, seven miles distant from park headquarters. That facility (Iori's) will include office, laboratory, and full research library facilities, as well as microfilming capability and a computer terminal. For some time a significant part of the total research effort will be devoted to studies of environmental impacts along the fragile interface defined by the east boundary of the park.

Cultural resources of the park are extensive and diverse, but knowledge of them is incomplete. The nature of the cultural resources in the park is addressed in the Historic Resources Management Plan (February 1977 draft). That document calls for an early and thorough survey of archeological sites within the park, and identifies the relatively few historic structures remaining. There are no significant management problems associated with preservation activities at this time.

Everglades has been a leader in the implementation of energy-efficient alternate transportation systems within the park, as well as experimentation with low energy consumptive visitor activities. Through its interpretive programs a significant percentage of the total park visitation has been exposed to programs and activities designed to encourage the adoption of alternate lifestyles and modes of access to and within the park. The park has also installed solar water heaters on several buildings, and is involved in the systematic purchase of small compact vehicles as replacement standards are met on the vehicle fleet. Everglades has been involved with a cooperative energy program with the National Recreation and Parks Association (NRPA) and the Federal Energy Agency designed to develop ways and means of effectively communicating energy concerns to the visiting public. Energy seminars have been conducted during annual interpretive training sessions since 1975.

The principle recreation vehicle utilized in the park is the motorboat. Motorboating is an acceptable recreational pursuit that is compatible with the legislative mandate of this park. There are areas in which the use of motors is prohibited in the interest of the preservation of nesting habitat of the American crocodile and certain birds. Those areas are administratively closed to access at appropriate times during the year. The principle impact of motorboats is the disruptive effect of props and propwash on shallow submerged mudflats and grass beds and their associated communities of aquatic organisms. The extent of this damage is clearly visible from an aerial perspective which discloses an anastomosing network of prop channels throughout Florida Bay. The park, largely through its interpretive program, is encouraging

greater use of non-motorized boats such as canoes and shallow draft sailing craft. There are presently five designated and marked canoe routes of varying lengths and complexity, and the Service conducts a large number of regularly scheduled canoe adventures during the travel season. While airboats and swamp buggies are extensively used in the areas adjacent to the park boundary, they are prohibited within the park and do not represent a major management problem. Everglades National Park is relatively free of the perennial problem of vandalism that plagues most national parks. Vandalism does occur, but it is at low to moderate levels and is not a major management problem.

The park is presently administered under exclusive federal jurisdiction except for the Hole-in-the-Donut and portions of the northwest extension which are under proprietary jurisdiction. Law enforcement activities in the latter two areas are often complicated by the need to coordinate efforts between several law enforcement agencies. No additional management problems have resulted from the jurisdictional status of the park.

The dominant recreational use of the park is sportfishing. There are no significant conflicts of this use with other visitor experiences. The interpretive division is emphasizing a variety of activities that have potential impact on fragile natural systems. To minimize that impact a policy governing the conduct of off-road/trail activities was drafted and implemented during 1976. There is increasing demand for recreational use of the backcountry of the park--specifically, for minimum impact backpacking. This activity will require careful monitoring and control.

The development of visitor facilities such as visitor centers, road and trailside exhibits, amphitheaters, etc., has not kept pace with increasing visitation over the past several years. In many instances interpretive facilities are either substandard or nonexistent. These inadequacies place extra burdens on the division of interpretation and visitor services.

The fragile nature of much of the Everglades system, specifically the sawgrass prairies and the tidal mudflats and shallow bottom of Florida Bay, dictate that special care be used in the development of visitor use facilities and/or services that might have detrimental effects. Those areas are especially susceptible to human impact. With regard to the activities of the division of interpretation designed to make those areas accessible to a growing number of park visitors, a special policy governing the size of groups and their management is in effect.

The water regime of the park is of critical importance to the general health of the system, but it is especially vulnerable and sensitive to

both internal and external influences. The introduction of pollutants, residual insecticides and fertilizers, and other by-products of intensified agriculture along the east boundary into the Taylor Slough is a continuing threat to the integrity of that ecosystem. Similarly, water falling into the park from the north through the Shark Slough drainage is metered through flood control structures, and therefore may not always be available at appropriate times to respond to natural needs. The inappropriate timing of water releases into the system from conservation areas north of the Tamiami Trail can have serious debilitating effects on the Shark Slough and its wildlife.

There are two concessioners and one sub-concessioner in the park. One primary concessioner is Sammy Hamilton, Jr., who operates the Everglades National Park Boat Tours at Everglades City. His contract extends from January 1, 1972, to December 31, 1981. The contract contained an improvement and building program in four phases. Two of these are complete; the remaining two must be completed either subsequent to 1972 but within the ten year period, or within the ten year period. These projects are: 1) to place in service another boat such as the "Manatee", and 2) to construct new docking facilities for all boats used in the concession operation.

The second major concession is currently Everglades Park Catering, Inc. The status of this concession is somewhat anomalous since the National Park Service has purchased all buildings and equipment owned by the preceding concessioner. The current concessioner is thus placed in a position of holding what amounts to a service contract with no possessory interest in anything except those items it has purchased since beginning operation October 1, 1975. It is the intent of the park to manage this operation from now on in such a way no possessory interest in any fixed property will accrue to the concessioner at the time its contract expires. However, a special maintenance agreement must be negotiated in order to maintain facilities used by the concessioner without an undue workload being placed upon the park's maintenance division. The present contract expires on December 31, 1977; therefore, full use of the new concession management concept will not be effected until a new contract is negotiated with either the present concessioner or another concessioner.

The sub-concessioner, Flamingo Houseboat Corporation, presently operates under Everglades Park Catering, Inc. We anticipate, however, a possible separate negotiation with Flamingo Houseboat Corporation, in which case it will become a full-fledged, separate concessioner. One management question about this operation has not been resolved-- how shall the park manage access to, or placement of, the houseboat marina when a plug is placed in Buttonwood Canal? The plug will

preclude moving houseboats from fresh to salt water without going north through Whitewater Bay and coming around Cape Sable on the Gulf Coast side to reach the Flamingo salt water marina, and vice versa.

MANAGEMENT OBJECTIVES

General Management

1. To insure that all existing and planned facilities and uses within the park will have as little adverse effect upon water flow and natural environmental quality as possible, and to regulate visitor use as necessary to protect park resources and visitors.
2. To establish and maintain cooperative efforts with other Federal, state and local agencies to control outside influences that may adversely effect the intact preservation of flora, fauna, and other natural resources of the park.
3. To acquire in fee simple all private lands within the boundaries of the park.
4. To obtain cession of exclusive jurisdiction from the State of Florida over all lands and waters within the boundaries of the park acquired since 1951.
5. Except in the immediate vicinity of major road corridors, to manage the park as an undeveloped natural area with only minimal facilities required for the health, safety, and edification of park visitors.
6. Improve public awareness and support through a more active program of participation in local community affairs, particularly in the three-county area adjacent to the park.
7. To reduce use of fossil fuels and dependence upon all non-renewable energy sources and to promote activities and programs that result in a net reduction of consumption of non-renewable energy sources, and to promote the use of alternate energy sources reducing long-term dependence on conventional fuels.
8. To achieve and maintain the employee disabling injury and chargeable motor vehicle accident frequency rates below 5.0, and to otherwise maintain park safety standards as stated in National Park Service Safety Standards, revised April 18, 1972.

9. To insure that concession facilities and operations meet National Park Service standards of quality and effectiveness, and are the minimum necessary to provide essential visitor services.
10. To facilitate travel between interpretive and recreational facilities through the safe, convenient, and flexible transportation facilities in a manner that minimizes adverse impact on resources.

Resource Management

1. To secure, through research and other means, sufficient information to facilitate the development of informed resource management programs for preservation of the park's native terrestrial and aquatic resources.
2. To promote and coordinate cooperative regional resource planning, protection, and management with priority given to the quantity and quality of a reasonable water supply.
3. To the greatest degree possible, perpetuate free from the adverse effects of human disturbance the park's diverse habitats and their associated plant and animal communities insuring the long-term preservation of its many endangered and threatened species.
4. To control exotic plants and animal species when necessary to prevent disruption to native communities.
5. To mitigate the adverse effects of human disturbance and, to the extent possible, restore the park's diverse habitat and their associated plant and animal communities.
6. Maintain and execute an aquatic resource management program to insure continued commercial and sport fishing on a sustained yield basis.
7. Identify, evaluate, protect, and preserve cultural resources consistent with the Service's management policies, legislative and executive mandates, and the preservation of the park's outstanding natural values.
8. To re-introduce and manage the use of fire and other natural forces in resource management programs to perpetuate a viable and dynamic "native" ecosystem.

Visitor Use

1. To provide essential recreation-related information necessary for the safe and enjoyable utilization of park resources and visitor use facilities.
2. To interpret the various elements of the story in ways which will emphasize the composite nature of environments and the importance of natural complexity and diversity.
3. To acquaint visitors with the major ecosystems of the park, communicate an understanding of their components and how they function, and to introduce the concept of nature as a process of dynamic equilibrium of which man is an intrinsic part.
4. To develop imaginative approaches to interpretation that will encourage visitors to spend some time reflecting about meanings and values, and to begin to develop an appreciation for the natural complexity, diversity, and inter-relationships that exist in natural systems.
5. To build "bridges of understanding" between the natural and synthetic environments of man over which he may freely move toward a better understanding of himself and his world.

APPENDIX

LEGISLATIVE AND ADMINISTRATIVE CONSTRAINTS

1. Act of January 30, 1929 (45 Stat. 1443)
2. Act passed by the Florida legislature establishing Everglades National Park Commission, May 25, 1929
3. Act of May 30, 1934 (48 Stat. 816) establishing Everglades National Park
4. Executive Order for the Withdrawal of Public Lands for national park classification, October 22, 1934
5. An Act to provide for the acceptance of lands within the authorized boundaries of Everglades National Park pending establishment of the park. HR 5289, November 27, 1944
6. Public Law 85-482 (72 Stat. 280) An Act fixing the boundaries of Everglades National Park and authorizing additional land acquisition.
7. An Act authorizing appropriations for river basin flood control purposes, P.L. 91-282, June 19, 1970
8. An Act amending the boundaries of Everglades National Park, P.L. 91-428, 84 Stat. 885, September 26, 1970
9. Title 16, U.S. Code Section 410(16 U.S.C. 410 thru 410r-4)
10. State of Florida Statutes (17 Stat. 264.01-264.14)

Union Calendar No. 775

70TH CONGRESS
2D SESSION

S. 4704

[Report No. 2517]

IN THE HOUSE OF REPRESENTATIVES

JANUARY 30, 1929

Referred to the Committee on the Public Lands

FEBRUARY 14, 1929

Committed to the Committee of the Whole House on the state of the Union
and ordered to be printed

AN ACT

To authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior be, and he is hereby,
4 directed to investigate and report to Congress as to the
5 desirability and practicability of establishing a national park,
6 to be known as the Tropic Everglades National Park, in
7 the everglades of Dade, Monroe, and Collier Counties of
8 the State of Florida, for the benefit and enjoyment of the
9 people of the United States and to preserve said area in its

1 natural state; *Provided*, That such investigation shall be
2 made without expense to the United States other than the
3 salaries of any Government experts who may be assigned
4 for that purpose.

Passed the Senate January 26, 1929.

Attest: EDWIN P. THAYER,
Secretary.

70th CONGRESS } S. 4704
2d Session

[Report No. 2317]

AN ACT

To authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

JANUARY 25 (calendar day, JANUARY 20), 1929

Mr. ASHurst submitted the following resolution; which was referred to the Committee on Public Lands and Surveys

FEBRUARY 25, 1929

Reported by Mr. Nye, without amendment; referred to the Committee to Audit and Control the Contingent Expenses of the Senate

FEBRUARY 25 (calendar day, FEBRUARY 26), 1929

Reported by Mr. DENNIS, with an amendment; considered and agreed to

RESOLUTION

- 1 *Resolved*, That the Committee on Public Lands and
- 2 Surveys, or any subcommittee thereof, be, and it is hereby,
- 3 authorized and directed to investigate the advisability of
- 4 establishing certain additional national parks and the pro-
- 5 posed changes in, boundary revisions of, and matters relating
- 6 to, other national parks. For the purpose of carrying out
- 7 the provisions of this resolution such committee or subcom-
- 8 mittee is hereby authorized to sit, act, and perform its duties
- 9 at such times and places as it deems necessary or proper;
- 10 to require by subpoena or otherwise the attendance of wit-
- 11 nesses; to require the production of books, papers, docu-
- 12 ments, and other evidence; and to administer such oaths and

1 to take such testimony and make such expenditures as it
2 deems advisable. The cost of stenographic service to report
3 such hearings shall not exceed 25 cents per one hundred
4 words. The expenses of such committee or subcommittee
5 shall be paid from the contingent fund of the Senate and
6 shall not exceed \$12,500. The committee or subcommittee
7 shall make a report as to its findings during the first regular
8 session of the Seventy-first Congress, together with recom-
9 mendations for such legislation as it deems necessary.

ACT PASSED BY THE FLORIDA LEGISLATURE

EXHIBIT B

CHAPTER 13887, NO. 323

An act to provide for the acquisition of park lands and property in the counties of Dade, Monroe, and Collier, Florida, for the purpose of conveying the same to the United States of America to be used as a national park

Be it enacted by the legislature of the State of Florida:

SECTION 1. That a Florida State commission is hereby created under the name of Tropic Everglades National Park Commission and is referred to in this act as the commission. Said commission shall be composed of twelve members, all residents of the State of Florida, and shall be appointed by the governor for a period of four years, or until their successors are appointed and qualified.

Any vacancies occurring in said commission shall be filled by the governor.

The members of said commission, with the exception of the chairman of the board, shall receive no compensation for their services, but may be paid their traveling expenses, out of funds hereinafter mentioned to be received from subscriptions, said chairman to be elected from among the twelve commission members by a majority vote of the members. The salary of said chairman may be fixed by said commission.

SEC. 2. The said commission is hereby vested with all the powers necessary and incident to the accomplishment of the purposes to which it is created as declared herein, and when any power is expressly conferred on said commission it shall be held and construed that said power includes all other powers necessary or incident thereto.

Said commission is authorized and empowered to receive and take over the Tropic Everglades Park Association, and such assets as it may have for promotion of the Tropic Everglades National Park project, and upon such transfer said association shall be dissolved. Upon such transfer said commission is authorized to collect any unpaid balances of pledges or subscriptions made to said Tropic Everglades Park Association, and apply the funds to be received from such pledges for the purposes for which they were made.

Out of such funds and future subscriptions and gifts shall be paid the expenses of the said commission accruing by the purchases of land and other expenses.

SEC. 3. The commission shall have full control over the funds contributed or otherwise acquired by said commission. Said funds may be expended in the acquiring of land for national park purposes

in Dade, Monroe, and Collier Counties and for the improvement thereof.

SEC. 4. The place of the central offices of the commission shall be fixed by said commissioners.

SEC. 5. The said commission is authorized and empowered to acquire title in the name of the State of Florida to any lands that the Interior Department may designate, in Dade, Monroe, and Collier Counties, as an area for a national park.

SEC. 6. The Secretary of the Interior is hereby authorized, in his discretion, to accept, on behalf of the United States, title to the lands, referred to in this act, in Dade, Monroe, and Collier Counties.

SEC. 7. That the administration, protection, and development of the aforesaid park lands shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the act by the Federal Government of August 25, 1916, entitled "An act to establish a National Park Service and for other purposes," as amended: *Provided*, That the provisions of the act approved June 10, 1920, known as the Federal water power act, shall not apply to this park: *And provided further*, That the minimum area to be administered and protected by the National Park Service shall be at least five-sixths of the area indicated by the National Park Service for said national park: *Provided further*, That no general development of this area shall be undertaken until a major portion of said area shall have been accepted by said Secretary of the Interior.

SEC. 8. The commission hereby appointed, as an agency of the State of Florida, is vested with the power of eminent domain to acquire in the name and in behalf of the State of Florida, and to condemn, for park purposes, land and other property, including dwelling houses, outbuildings, yards, and gardens within the area to be designated by the Department of the Interior as hereinbefore set out. The power of eminent domain hereby conferred shall be exercised under and in pursuance of the provision of article 6, chapter 11, title 3, second division, Revised General Statutes of Florida, and it shall in no case be necessary to allege or prove that an effort has been made to agree with the owner upon a fair and reasonable price for the acquisition of any property sought to be acquired; that every judgment rendered in such proceedings shall bind the land and bar all persons claiming title thereto or interest therein; quiet the title thereto; and shall be forever binding and conclusive upon and against all persons. It shall not be an exception to such conclusiveness that the person is an infant, lunatic, or is under disability, and every other person shall have recourse against the award paid into court for any loss he may suffer by reason of being so concluded.

SEC. 9. Title or control of any land or any interest therein within the area as later designated by the Department of the Interior may be acquired by said commission by purchase, gift, bequest, or any other lawful means for the transfer of title; and said commission is further authorized to acquire land and other property by purchase, gift, bequest, or otherwise.

SEC. 10. The commission is vested with the power to contract, give, grant, convey, and transfer to the United States of America

for national park purposes all right, title, and interest which it in the name of the State of Florida may hereafter acquire in lands or other property within the area hereinbefore mentioned. Any conveyances under said contract shall be executed by and in the name of the State of Florida, by the governor thereof, attested by the secretary of state, and sealed with the great seal thereof; and no other warrant or authority shall be required for the recordation of any such instrument.

SEC. 11. The said commission is authorized and empowered to designate some person or persons as attorney for it, and in its name to appear, prosecute, or defend any actions or proceedings in which the State or said commission may be a party under the provisions hereof.

SEC. 12. The United States of America is authorized to acquire by conveyance made pursuant to this act, the lands hereinabove mentioned, and for the purposes set out in an act of Congress, but this consent is given upon condition that the State of Florida shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases and such criminal process as may issue under the authority of the State of Florida against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been given. Power is hereby conferred on the Congress of the United States to pass such laws as it may deem necessary for the acquisition of the said lands for incorporation in such national park, and to pass such laws and make or provide for the making of such rules or regulations of both civil and criminal nature, and to provide punishment therefor as in its judgment may be necessary for the management, control, and protection of such lands as may be acquired by the United States under the provisions of this act.

SEC. 13. After the Secretary of the Interior shall have designated an area for a national park in Dade, Monroe, and Collier Counties, in the State of Florida, it shall be lawful for said commission to institute, in the name of the State, condemnation proceedings, under article 6, chapter 11, second division, Revised General Statutes of Florida, for the acquisition of said lands, if not otherwise acquired.

SEC. 14. No part of the funds derived from gifts, donations, subscriptions, or allotment, other than current expenses of the commission, shall be expended until it shall have been made to appear to said commission:

(a) That the Secretary of the Interior has, in pursuance to an act of Congress, designated the area to be acquired within Dade, Monroe, and Collier Counties, for general development for national park purposes.

(b) That adequate financial provision has been made by or on behalf of the said commission for the purchase of said designated area.

SEC. 15. All laws conflicting herewith are hereby repealed.

SEC. 16. This act shall take effect at the time the Secretary of the Interior is authorized to accept the area heretofore described for national park purposes.

Approved May 25, A. D. 1929.

6. Everglades National Park project

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Establishment of park authorized.....	Act of May 30, 1934 34
Jurisdiction, State cession to U. S.....	State Act of June 7, 1935 35
Amend Act of May 30, 1934, by striking out proviso that prohibited expenditure of public moneys within five year period for administration, protection, or development.....	Act of August 21, 1937 36

An Act To provide for the establishment of the Everglades National Park in the State of Florida and for other purposes, approved May 30, 1934 (48 Stat. 816)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That when title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat., pt. 1, p. 1443), shall have been vested in the United States, said lands shall be, and are hereby, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Everglades National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (16 U.S.C. sec. 410.)

Everglades National Park, Fla. Establishment, when title to lands is vested in United States.

Proviso

Lands secured only by donation. Acceptance of title.

Proviso.

Restriction until exclusive jurisdiction over entire area is ceded.

National Park Service to administer, etc.

Provisos.

Water Power Act not applicable. 41 Stat. 1063. Rights of Indians.

No Federal expense for first 5 years.

SEC. 2. The Secretary of the Interior is hereby authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in the previous section hereof as may be deemed by him necessary or desirable for national-park purposes: *Provided*, That no land for said park shall be accepted until exclusive jurisdiction over the entire park area, in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States. (16 U.S.C. sec 410a.)

SEC. 3. The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of the Act of August 25, 1916 (39 Stat. 535), entitled "An Act to establish a National Park Service, and for other purposes", as amended: *Provided*, That the provisions of the Act approved June 10, 1920, known as the Federal Water Power Act, shall not apply to this park: *Provided further*, That nothing in this Act shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created: *And provided further*, That the United States shall not expend any public moneys for the administration, protection, or develop-

ment of the aforesaid park within a period of five years from the date of approval of this Act. (16 U.S.C. sec. 410b.)

Sec. 4. The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area. (16 U.S.C. sec. 410c.)

Permanently reserved as a wilderness.

Excerpt from An Act of the Legislature of Florida, approved June 7, 1935, ceding to the United States exclusive jurisdiction over lands to be deeded or conveyed to the United States for the Everglades National Park. (Ch. 16996, Acts of 1935, sec. 4; Florida Statutes, 1941, sec. 264.08)

That the United States of America is authorized to acquire by conveyance, and said Commission is authorized to convey to the United States, pursuant to this Act all lands hereinabove mentioned and for the purposes set out in the Act of Congress approved May 30, 1934. (Public No. 267, 73rd Congress) and exclusive jurisdiction shall be, and the same is hereby ceded to the United States of America over and within all the territory in the State of Florida thus deeded or conveyed; saving, however, to the State of Florida, the right to serve criminal or civil process within the limit of the land or lands thus acquired in suits or prosecutions for or on account of rights acquired, obligations incurred, or crime committed, in said State outside of said land or lands, and on account of rights acquired, obligations incurred, or crimes committed on or within said lands, prior to the date of the giving or service of notice, as hereinafter provided, of the assumption of police jurisdiction over such land or lands by the United States; and, saving further, to the said State the right to tax sales of gasoline and other motor vehicle fuels and oil for use in motor vehicles, and to tax persons and corporations, their franchises and properties, on land or lands deeded or conveyed as aforesaid, and saving, also, to persons residing in or on any of the land or lands deeded or conveyed as aforesaid the right to vote at all elections within the county in which said land or lands are located upon like terms and conditions and to the same extent as they would be entitled to vote in such county had not such lands been deeded or conveyed, as aforesaid, to the United States of America: Provided, nevertheless, that such jurisdiction shall not vest in the United States of America unless and until it, through the proper officer or officers, notifies the Governor and through him the State of Florida, that the United States of America assumes police jurisdiction over the land or lands thus deeded.

An Act To amend an Act entitled "An Act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes," approved May 30, 1934, approved August 21, 1937 (50 Stat. 712)

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,
That section 3 of the Act entitled "An Act to provide for the establishment of the Everglades National Park in the State of Florida, and for other purposes", approved May 30, 1934, be, and the same is hereby, amended by striking therefrom the following words: "*And provided further*, That the United States shall not expend any public moneys for the administration, protection, or development of the aforesaid park within a period of five years from the date of approval of this Act." (16 U.S.C. sec. 410b.)

Everglades
National Park,
Fla.
48 Stat. 816.
16 U.S.C.
sec. 410b.

Provision
prohibiting
expenditure of
public moneys
eliminated.

Executive Order

WITHDRAWAL OF PUBLIC LANDS FOR NATIONAL-PARK CLASSIFICATION

FLORIDA

WHEREAS section 1 of the act of Congress approved May 30, 1934 (Public, No. 267, 73d Cong.), provides for the establishment of the Everglades National Park in the State of Florida upon conveyance to the United States of all of the privately owned lands within boundaries to be determined by the Secretary of the Interior as recommended in his report to Congress of December 3, 1930; and

WHEREAS there are unappropriated and unreserved public lands within the boundaries of the proposed park as determined by the Secretary of the Interior; and

WHEREAS the withdrawal of such lands from any disposition under the public-land laws pending the establishment of the proposed park would be in the public interest:

NOW, THEREFORE, by virtue of and pursuant to the authority vested in me by the act of June 25, 1910 (ch. 421, 36 Stat. 847), as amended by the act of August 24, 1912 (ch. 369, 37 Stat. 497), and subject to the conditions therein expressed and to valid existing rights, it is ordered that all of the unappropriated and unreserved public lands within the boundaries of the proposed Everglades National Park indicated on the diagram hereto annexed and forming a part hereof, be, and they are hereby, temporarily withdrawn from settlement, location, sale, or entry for classification for the proposed Everglades National Park.

This order shall continue in full force and effect unless and until revoked by the President or by act of Congress.

FRANKLIN D. ROOSEVELT.

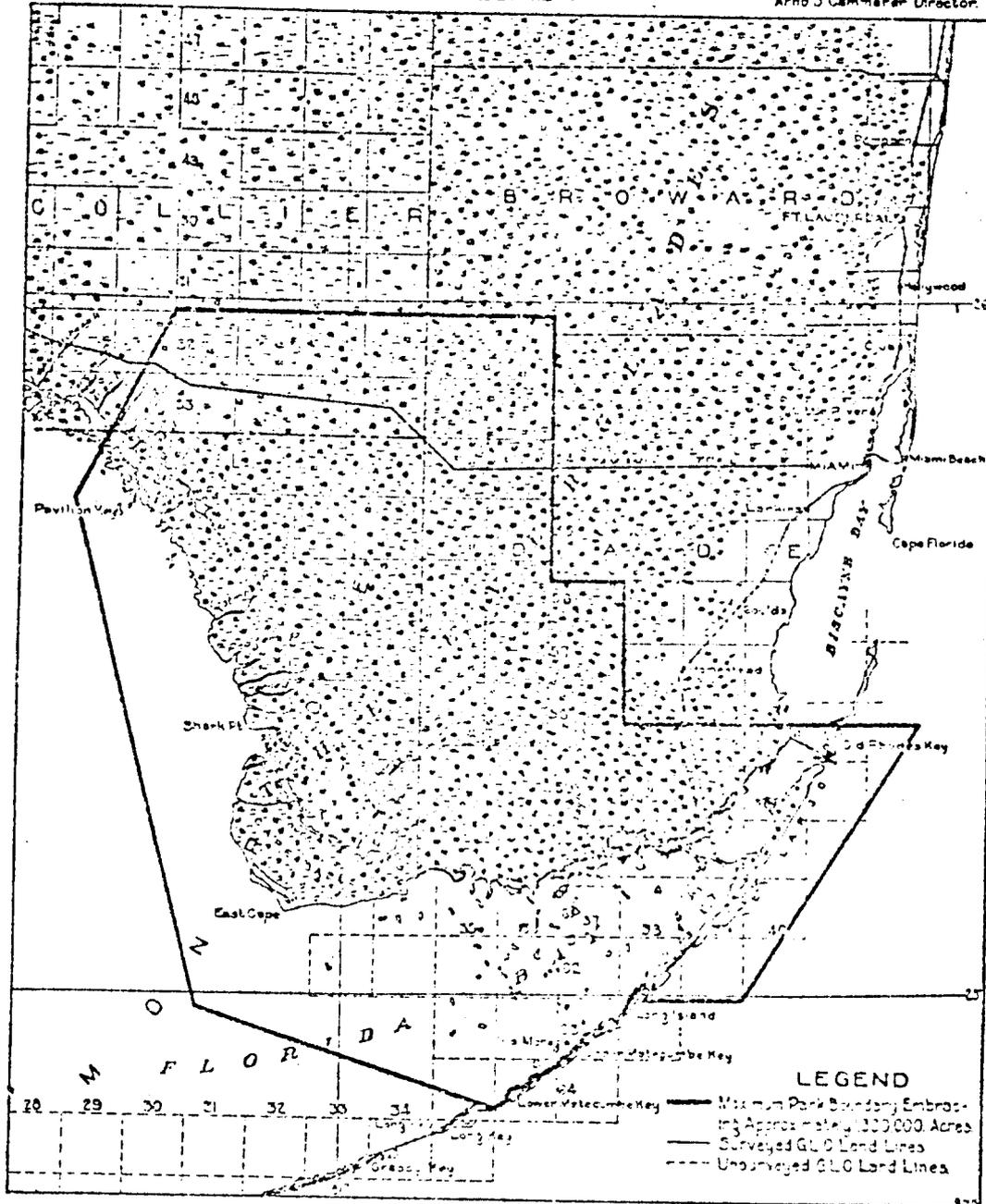
THE WHITE HOUSE,

October 22, 1934.

DEPARTMENT OF THE INTERIOR
Harold L. Ickes, Secretary

FLORIDA

NATIONAL PARK SERVICE
Arno S. Cammerer, Director



PROPOSED EVERGLADES NATIONAL PARK

78TH CONGRESS
2D SESSION

H. R. 5289

IN THE SENATE OF THE UNITED STATES

NOVEMBER 27 (legislative day, NOVEMBER 21), 1944

Read twice, considered, read the third time, and passed

AN ACT

To provide for the acceptance and protection by the United States of property within the authorized boundaries of the Everglades National Park project, Florida, pending the establishment of the park, and for other purposes.

- 1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That, (a) for the purpose of protecting the scenery, the
4 wildlife, and other natural features of the region authorized to
5 be established as the Everglades National Park by the Act of
6 May 30, 1934 (48 Stat. 816; 16 U. S. C., secs. 410, 410a-
7 410c), notwithstanding any provision contained in that Act,
8 the Secretary of the Interior is authorized in his discretion to
9 accept on behalf of the United States any land, submerged

1 land, or interests therein, subject to such reservations of oil,
2 gas, or mineral rights as the Secretary may approve, within
3 the area of approximately two thousand square miles recom-
4 mended by said Secretary in his report to the Congress of
5 December 3, 1930, pursuant to the Act of March 1, 1929
6 (45 Stat. 1443): *Provided*, That no general development of
7 the property accepted pursuant to this Act shall be under-
8 taken nor shall the park be established until title satisfactory
9 to the Secretary to a major portion of the lands, to be
10 selected by him, within the aforesaid recommended area
11 shall have been vested in the United States: *Provided*
12 *further*, That until the property acquired by the United States
13 pursuant to this Act has been cleared of the aforesaid reser-
14 vations, the Secretary in his discretion shall furnish such
15 protection thereover as may be necessary for the accom-
16 plishment of the purposes of this Act: *And provided further*,
17 That in the event the park is not established within ten
18 years from the date of the approval of this Act, or upon the
19 abandonment of the park at any time after its establishment,
20 title to any lands accepted pursuant to the provisions of this
21 Act shall thereupon automatically revert in the State of
22 Florida or other grantors of such property to the United
23 States.

24 (b) Upon the execution of the aforesaid provisions re-
25 lating to establishment thereof, the Everglades National

- 1 Park shall be established by order of the Secretary which
- 2 shall be published in the Federal Register.

Passed the House of Representatives November 27, 1944.

Attest:

SOUTH TRIMBLE,

Clerk.

II. LEGISLATION RELATING TO NATIONAL PARKS

PUBLIC LAW 85-482

85th Congress, H. R. 6641
(72 Stat. 280)

AN ACT

To fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes.

BE IT ENACTED BY THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES OF AMERICA IN CONGRESS ASSEMBLED, That, notwithstanding section 1 of the Act of May 30, 1934 (48 Stat. 816, 16 U.S.C., sec 410), or any action taken pursuant to authority contained therein, the exterior boundary of Everglades National Park, Florida, is subject to the provisions of section 7 of this Act, hereby fixed to include the following described lands:

(1) Beginning at the intersection of the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, and the west line of township 54 south, range 37 east, as shown on the Everglades National Park base map numbered NP-EVE-7109, revised August 10, 1949;

thence southerly along the west line of township 54 south, range 37 east, along the west line of Government lot 6 lying between township 54 south, and township 55 south, range 37 east, and along the west line of township 55 south, range 37 east, and township 56 south, range 37 east and along the west lines of sections 6, 7, and 18, township 57 south, range 37 east, to the southwest corner of section 18, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, and 23 of said township and range to the northeast corner of section 23;

thence southerly along the east line of sections 23, 26, and 35 of said township and range to the southeast corner of said section 35;

thence easterly along the south line of section 36, of said township and range, to the southeast corner of said section 36;

thence southerly along the east line of sections 1, 12, 13, 24, 25, and 36, township 58 south, range 37 east, and along the west line of sections 6, 7, and 18, township 59 south, range 38 east, to the northwest corner of section 19, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 of township 59 south, range 38 east, and sections 19 and 20 of township 59 south, range 39 east, to the southwest right-of-way line of United States Highway Numbered 1;

thence southeasterly along the southwest right-of-way line of United States Highway Numbered 1 to a point which is the northerly point of a tract of land conveyed by the trustees of the internal improvement fund, State of Florida, to John E. Ravlin, and others, by deed dated November 5, 1943, recorded in deed book G16, page 72, in Monroe County public records;

thence following along the westerly and southerly boundary of said tract to its point of intersection with a line parallel with and 200 feet northwesterly from the centerline of Intracoastal Waterway near the southern point of said Ravlin tract;

thence southwesterly, following a line parallel to the centerline of said Intracoastal Waterway and 200 feet northwesterly from said centerline to a point due north of Long Key Light, approximately longitude 80 degrees 50 minutes west, latitude 24 degrees 51 minutes north;

thence northwesterly, following a line at all times parallel to the centerline of said Intracoastal Waterway and 200 feet north-easterly from said centerline to a point opposite the Oxford Bank Light, approximately longitude 81 degrees 00 minutes 40 seconds west, latitude 24 degrees 59 minutes 10 seconds north;

thence northwesterly in a straight line to a point 3 miles due south of the most southernmost point of East Cape (Cape Sable);

thence due north in a straight line to a point 2 miles due south of the most southernmost point of East Cape (Cape Sable);

thence northwesterly in the Gulf of Mexico in a straight line to a point 2 miles due west of the southeast corner of fractional section 31 (Middle Cape), township 60 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the most westernmost point of Northwest Cape (Cape Sable);

thence northeasterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 6, township 59 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the southwest corner of section 6, township 53 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 28, township 56 south, range 31 east;

thence northwesterly in a straight line to a point 3 miles due west of the southwest corner of fractional section 32, township 54 south, range 30 east;

thence northwesterly in a straight line to the southwest corner of section 28, township 53 south, range 28 east;

thence northerly along the west line of section 28, township 53 south, range 28 east, to the northwest corner of said section 28;

thence easterly along the north line of section 28, township 53 south, range 28 east, to the northeast corner of said section 28;
 thence northerly along the west line of section 22, township 53 south, range 28 east, to the northwest corner of said section 22;
 thence easterly along the north line of section 22, township 53 south, range 28 east, to the northeast corner of said section 22;
 thence northerly along the west line of section 14, township 53 south, range 28 east, to the northwest corner of said section 14;
 thence easterly along the north line of section 14, township 53 south, range 28 east, to the northeast corner of said section 14;
 thence northerly along the west line of section 12, township 53 south, range 28 east, to the northwest corner of said section 12;
 thence easterly along the north line of section 12, township 53 south, range 28 east, to the northeast corner of said section 12;
 thence northerly along the west line of section 6, township 53 south, range 29 east, to the northwest corner of said section 6;
 thence easterly along the north line of township 53 south, range 29 east, to the northeast corner of section 4, township 53 south, range 29 east;
 thence southerly along the east lines of sections 4, 9, 16, and 21, township 53 south, range 29 east, to the southeast corner of the northeast quarter of said section 21;
 thence easterly to the center of section 22, township 53 south, range 29 east;
 thence southerly to the southeast corner of the southwest quarter of section 22, township 53 south, range 29 east;
 thence easterly along the south line of section 22, township 53 south, range 29 east, to the southeast corner of said section 22;
 thence southerly along the west line of section 26, township 53 south, range 29 east, to the southwest corner of the northwest quarter of said section 26;
 thence easterly to the center of section 26, township 53 south, range 29 east;
 thence southerly to the northwest corner of the southwest quarter of the southeast quarter of section 26, township 53 south, range 29 east;
 thence easterly to the northeast corner of the southeast quarter of the southeast quarter of section 26, township 53 south, range 29 east;
 thence southerly along the east line of section 26, township 53 south, range 29 east, to the southeast corner of said section 26;
 thence easterly along the north line of section 36, township 53 south, range 29 east, to the northeast corner of the northwest quarter of said section 36;
 thence southerly to the southwest corner of the northwest quarter of the southeast quarter of section 36, township 53 south, range 29 east;
 thence easterly to the southeast corner of the northeast quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence continuing easterly to the southeast corner of the northwest quarter of the southwest quarter of section 31, township 53 south, range 30 east;

thence northerly to the northeast corner of the northwest quarter of the northwest quarter of section 31, township 53 south, range 30 east;

thence continuing northerly to the northeast corner of the southwest quarter of the southwest quarter of section 30, township 53 south, range 30 east;

thence westerly to the northeast corner of the southeast quarter of the southeast quarter of section 25, township 53 south, range 29 east;

thence northerly along the east lines of sections 25, 24, and 13, township 53 south, range 29 east, to the northeast corner of said section 13; thence easterly along the north lines of sections 18, 17, 16, 15, 14, and 13, to the northeast corner of section 13, township 53 south, range 30 east;

thence southerly along the east lines of sections 13, 24, 25, and 36 to the southeast corner section 36, township 53 south, range 30 east;

thence easterly along the north lines of sections 6, 5, and 4 to the northeast corner of section 4, township 54 south, range 31 east;

thence southerly along the east line of section 4 to the southeast corner of section 4, township 54 south, range 31 east;

thence easterly along the north line of section 10 to the northeast corner of section 10, township 54 south, range 31 east;

thence southerly along the east line of section 10 to the southeast corner of section 10, township 54 south, range 31 east;

thence easterly along the north line of section 14 to the northeast corner of section 14, township 54 south, range 31 east;

thence southerly along the east line of section 14 to the southeast corner of section 14, township 54 south, range 31 east;

thence easterly along the north line of section 24 to the northeast corner of section 24, township 54 south, range 31 east;

thence southerly along the east lines of sections 24 and 25 to the southeast corner of section 25, township 54 south, range 31 east;

thence easterly along the north lines of sections 31, 32, and 33 to the northeast corner of section 33, township 54 south, range 32 east;

thence southerly along the east line of section 33 to the southeast corner of section 33, township 54 south, range 32 east;

thence easterly along the north line of section 3, to the northeast corner of section 3, township 55 south, range 32 east;

thence southerly along the east lines of sections 3 and 10, to the southeast corner of section 10, township 55 south, range 32 east;

thence easterly along the north line of section 14, to the northeast corner of section 14, township 55 south, range 32 east;

thence southerly along the east line of section 14, to the southeast corner of section 14, township 55 south, range 32 east;

thence easterly along the north line of section 24, to the northeast corner of section 24, township 55 south, range 32 east;

thence southerly along the east lines of sections 24 and 25 to the northeast corner of the southeast quarter of section 25, township 55 south, range 32 east;

thence easterly along the north line of the south half of section 30 to the northeast corner of the south half of section 30, township 55 south, range 33 east;

thence southerly along the east lines of sections 30 and 31 to the southeast corner of section 31, township 55 south, range 33 east;

thence southerly along the east line of section 6, to the southeast corner of section 6, township 56 south, range 33 east;

thence easterly along the north lines of sections 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 33 east;

thence easterly along the north lines of sections 7, 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 34 east;

thence easterly along the north line of section 7 to the northeast corner of section 7, township 56 south, range 35 east;

thence northerly along the west line of section 5 to the northwest corner of section 5, township 56 south, range 35 east;

thence northerly along the west lines of sections 32, 29, 20, 17, 8, and 5 to the northwest corner of section 5, township 55 south, range 35 east;

thence northerly along the west lines of sections 32, 29, and 20 to the intersection of the south right-of-way line of the Loop Road, township 54 south, range 35 east;

thence easterly along the south right-of-way line of the Loop Road and the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 20, 21, 22, 23, and 24, township 54 south, range 35 east, to the intersection of the east township line, township 54 south, range 35 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 19, 20, 21, 22, 23, and 24, township 54 south, range 36 east, to the east township line of township 54 south, range 36 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, across township 36 $\frac{1}{2}$ east to the intersection of the west line of township 54 south, range 37 east, the point of beginning;

(2) Land acquired by the United States of America for furthering administration and use of the park by deeds dated January 25, 1954 (2), and February 27, 1954 (2), recorded in the public records of Monroe County, Florida, book OR-3, pages 302 to 308, inclusive, and book OR-2, pages 378 to 381, inclusive, respectively; and accepted by the National Park Service on April 7, 1954 (2), and April 5, 1954 (2), respectively; and

(3) Not to exceed 35 acres, to be acquired by donation only, in or in the vicinity of Everglades City, Florida, which the Secretary of the Interior may find necessary and suitable for furthering administration and use of the park.

Land and water now in Federal ownership within said boundary shall continue to be administered as Everglades National Park; however, the land and water therein not in Federal ownership shall be administered as a part of the park only after being acquired as hereinafter provided.

Sec. 2. The authority of the Secretary of the Interior to acquire land and water for Everglades National Park shall hereafter be restricted to the area within the boundary described in section 1. Notwithstanding the proviso contained in section 1 of the Act of May 30, 1934 (48 Stat. 816, 16 U.S.C., sec. 410), or any other provision of law, the said Secretary is hereafter authorized, within the boundary fixed in this Act and with any funds made available for that purpose, to acquire land, water, and interests therein by purchase or otherwise, subject to the proviso that no parcel within the following described area shall be acquired without the consent of its owner so long as it is used exclusively for agricultural purposes, including housing, directly incident thereto, or is lying fallow or remains in its natural state:

Beginning at the southwest corner of section 31, township 58 south, range 37 east;

thence southerly along the west line of sections 6 and 7, township 59 south, range 37 east, to the southeast corner of section 24, township 59 south, range 36 east;

thence westerly along the south lines of sections 24, 23, 22, 21, and 20, township 59 south, range 36 east, to the southwest corner of said section 20;

thence northerly along the west lines of sections 20, 17, 8, and 5, township 59 south, range 36 east, to the northwest corner of said section 5;

thence to the southwest corner of section 33, township 58 south, range 36 east;

thence northerly along the west lines of sections 33 and 28, township 58 south, range 36 east, to the northwest corner of said section 28;

thence easterly along the north lines of sections 28, 27, 26, and 25, township 58 south, range 36 east, to the northeast corner of said section 25;

thence southerly along the east line of section 25, township 58 south, range 36 east, to the point of intersection of the east line of said section 25 and the north line of section 18, township 58 south, range 37 east, extended westerly along the hiatus;

thence easterly across the hiatus to the northwest corner of section 18, township 58 south, range 37 east;

thence easterly along the north lines of sections 18, 17, and 16, township 58 south, range 37 east, to the northeast corner of said section 16;

thence southerly to the northeast corner of section 21, township 58 south, range 37 east;

thence westerly along the north lines of sections 21 and 20, township 58 south, range 37 east, to the northeast corner of the northwest quarter of said section 20;

thence southerly along the west line of the east half of section 20, township 58 south, range 37 east, to the southeast corner of the southwest quarter of said section 20;

thence westerly along the north lines of sections 29 and 30, township 58 south, range 37 east, to the northwest corner of said section 30;

thence southerly along the west lines of sections 30 and 31, township 58 south, range 37 east, to the southwest corner of said section 31; the point of beginning.

The authority to acquire land, water, and interests therein within the park boundary fixed in section 1 of this Act but outside the area designated in the Act of October 10, 1949 (63 Stat. 733), is further subject to the right of retention by the owners thereof, including owners of interests in oil, gas, and mineral rights or royalties, and by their heirs, executors, administrators, successors, and assigns, at their election of the following:

(1) The reservation until October 9, 1967, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands;

(2) In the event that on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary fixed in section 1 of this Act but outside the area designated in the Act of October 10, 1949, the time of the reservation provided in subsection (1) above shall automatically extend for all owners within said boundary and outside of said area regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary and outside of said area. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress to and egress from such land and water as may be necessary; and

(3) After the termination of the reserved rights of owners as set forth in subsections (1) and (2) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such land and water at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

Sec. 3. Unless consented to by an owner retaining the reservation set forth in subsections (1) and (2) of section 2 of this Act, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's land.

Sec. 4. Any reservations retained under the provisions of subsections (1) and (2) of section 2 of this Act shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the land and area for park purposes.

Sec. 5. In acquiring any of the land or water within the area described in the first section of this Act the Secretary of the Interior shall exercise reasonable diligence to ascertain whether owners elect to retain reservations in accordance with the provisions of section 2 of this Act. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the land and water, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their land free and clear of reservations as set forth in subsections (1), (2), and (3) of section 2 of this Act.

Sec. 6. Unless the Secretary, after notice and opportunity for hearing, shall find that the same is seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park, he shall permit such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water thereto as is required for the reclamation by the State of Florida or any political subdivision thereof or any drainage district organized under its laws of lands lying easterly of the eastern boundary of the park in township 54 south, ranges 31 and 32 east, township 55 south, ranges 32 and 33 east, and township 56 south, range 33 east. He shall grant said permission, however, only after a master plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan has engineering feasibility and is so designed as to minimize disruptions of the natural state of the park. Any right-of-way granted pursuant to this section shall be revocable upon breach of the conditions upon which it is granted, which conditions shall also be enforceable in any other appropriate manner, and the grantee shall be obligated to remove its improvements and to restore the land occupied by it to its previous condition in the event of such revocation.

Sec. 7. The Secretary of the Interior is authorized to transfer to the State of Florida by quitclaim deed the land, water, and interests therein, previously acquired by the United States of America for Everglades National Park and not included within such park by section 1 of this Act, such transfer to be in exchange for the conveyance by the State of Florida to the United States of all land, water, and interests therein, owned by the State within the boundary of the park as described in section 1 of this Act: PROVIDED, That exclusion of any land, water, and interests therein from the park boundary pursuant to section 1 of this Act, shall be dependent upon the contemporaneous conveyance by the State to the United States of all land, water, and interests therein, owned by the State within the park boundary described in section 1 of this Act, including land, water, and interests therein, heretofore conveyed to the State for transfer to the United States for inclusion in Everglades National Park. The effectuation of the transfer provided for in this section shall be a condition precedent to the acquisition by the Secretary of any land, water, or interests therein held in private ownership within the boundaries set forth in section 1 of this Act and outside the area designated in the Act of October 10, 1949, except as such acquisition is by donation.

Sec. 8. There are hereby authorized to be appropriated such sums, but not more than \$2,000,000 in all, as are required for the acquisition of land, water, and interests therein held in private ownership within the boundaries of Everglades National Park as fixed by section 1 of this Act and outside the area described in the Act of October 10, 1949.

Approved July 2, 1958.



An Act

Authorizing additional appropriations for prosecution of projects in certain comprehensive river basin plans for flood control, navigation, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, (a) in addition to previous authorizations, there is hereby authorized to be appropriated for the prosecution of the comprehensive plan of development of each river basin under the jurisdiction of the Secretary of the Army referred to in the first column below, which was basically authorized by the Act referred to by date of enactment in the second column below, an amount not to exceed that shown opposite such river basin in the third column below:

River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970.

Basin	Act of Congress	Amount
Alabama-Coosa River.....	Mar. 2, 1945	\$65,920,000
Arkansas River.....	June 29, 1924	89,000,000
Brazos River.....	Sept. 3, 1954	5,000,000
Columbia River.....	June 22, 1952	251,000,000
Lower Mississippi River.....	May 15, 1952	107,000,000
Missouri River.....	June 24, 1924	183,000,000
Ohio River.....	June 22, 1945	65,000,000
Quachita River.....	May 17, 1959	12,000,000
San Joaquin River.....	Dec. 22, 1934	13,000,000
South Florida River.....	May 17, 1959	21,000,000
Upper Mississippi River.....	June 22, 1952	2,500,000
White River.....	June 28, 1924	4,000,000

(b) The total amount authorized to be appropriated by this section shall not exceed \$810,000,000.

SEC. 2. In addition to previous authorizations, there is hereby authorized to be appropriated the sum of \$25,000,000 for the prosecution of the central and southern Florida comprehensive plan for flood control and other purposes approved in the Flood Control Act of 1948, and subsequent Acts of Congress: *Provided*, That not to exceed \$5,000,000 of this authorization shall be available solely for the accelerated construction of borrow canal L-70, canal C-368, canal C-119W, and pumping station S. 023, together with such other works in the plan of improvement as the Director of the National Park Service and the Chief of Engineers agree are necessary to meet the water requirements of the Everglades National Park: *Provided further*, That as soon as practicable and in any event upon completion of the works specified in the preceding proviso, delivery of water from the central and southern Florida project to the Everglades National Park shall be not less than 315,000 acre-feet annually, prorated according to the monthly schedule set forth in the National Park Service letter of October 20, 1967, to the Office of the Chief of Engineers, or 19.5 per centum of total deliveries from the project for all purposes including the park, whichever is less.

Central and southern Florida.

62 Stat. 1175;
82 Stat. 740.

SEC. 3. In addition to the previous authorization, the completion of the Chesapeake Bay Basin Comprehensive Study, Maryland, Virginia, and Pennsylvania, authorized by the River and Harbor Act of 1965 is hereby authorized at an estimated cost of \$2,000,000.

Chesapeake Bay Basin Comprehensive Study.
79 Stat. 1035.

SEC. 4. The flood control project for the Scioto River, Ohio, authorized in section 203 of the Flood Control Act of 1962 and modified by section 205 of the Flood Control Act of 1965 is hereby further modified (1) to authorize the construction of local protection works at Chilli-cotha, Ohio, prior to commencement of construction of the Big Darby Reservoir, and (2) to permit the plan for such works to be revised by the Chief of Engineers so as to provide a degree of protection sub-

Scioto River, Ohio.
76 Stat. 1180,
79 Stat. 1085.

stantially equivalent to that provided by the project as originally authorized.

Delaware River
Basin.

SEC. 5. (a) The project for comprehensive development of the Delaware River Basin, as authorized substantially in accordance with the recommendations of the Chief of Engineers in House Document Numbered 522, 87th Congress, by section 203 of the Flood Control Act of 1962 (76 Stat. 1182), is hereby modified to permit use of the head and water releases of Tocks Island Reservoir as an incident to a pumped storage hydroelectric power development project by applicant presently seeking approval to undertake such development before the Delaware River Basin Commission, subject to the provisions of this section and the pertinent provisions of the Delaware River Basin Compact and the Federal Power Act, including section 10(e) (16 U.S.C. 803(e)) providing for payment of annual charges to the United States: *Provided*, That the annual charges payable by applicant for use of the Tocks Island project by the aforesaid pumped storage development, including use of project head and water releases, shall be not less than \$1,000,000.

75 Stat. 688.
49 Stat. 863.
16 USC 791a.
49 Stat. 842;
76 Stat. 447.

(b) The Secretary of the Interior shall insure that the planning and construction of the aforesaid pumped-storage project shall be undertaken in accordance with the conditions and requirements relating to Sunfish Pond and Kittatinny Mountain set forth in paragraph numbered (3) (A) of Resolution Numbered 68-12 adopted October 28, 1968, by the Delaware River Basin Commission: *Provided*, That the Federal Power Commission shall adopt, as part of any license to construct, operate, or maintain the aforesaid pumped-storage project, those requirements and conditions determined by the Secretary of the Interior to be necessary to insure conformance with the provisions of paragraph (3) (A) of such resolution: *Provided further*, That in no event shall the upper pool of the applicant's proposed pumped-storage project be located on land other than that owned by applicant on April 15, 1969.

(c) Any license issued by the Federal Power Commission subject to the provisions of this section shall be conditioned upon the licensee delivering power and energy in an amount not less than, and at a cost not greater than that which would have been delivered from installation of power facilities heretofore authorized, to all preference customers eligible to purchase power from such heretofore authorized facilities: *Provided*, That, for the purposes of this section, the Delaware River Basin Commission will be considered a preference customer, and the Secretary of the Interior is hereby authorized to allocate such power as may be available under this subsection on an equitable basis among such preference customers.

(d) Power and energy shall be made available by any licensee to the United States free of cost for operation and maintenance of Tocks Island Dam.

(e) The Tocks Island project and the aforesaid pumped-storage development shall be constructed in such a manner as not to preclude installation at any time of power facilities heretofore authorized at Tocks Island Dam and use of its head and water releases for power purposes by the United States.

(f) In carrying out the purposes of this section, the Secretary of the Army and the applicant shall enter into an agreement providing for the payment by the applicant to the United States of such economic costs as may be incurred by the United States in the design, construction, and operation of the Tocks Island Dam necessary to preserve its suitability for the aforesaid pumped-storage development by applicant and power facilities heretofore authorized. In the event a license is not issued for the aforesaid pumped-storage development and the

United States constructs the heretofore authorized power facilities, the costs incurred by the United States to preserve the suitability of the project for the installation of such authorized power facilities will be borne by the United States. In the event of failure to reach timely agreement, the Secretary of the Army shall determine the payment to be made to the United States, and the applicant shall be liable therefor: *Provided*, That such determination shall be subject to review by the Federal Power Commission.

Sec. 6. That the Act entitled "An Act to provide for municipal use of storage water in Benbrook Dam, Texas", approved July 24, 1956 (70 Stat. 632), is amended by inserting immediately after "Fort Worth" the following: ", and with the Benbrook Water and Sewer Authority."

Sec. 7. That the project for Libby Dam, Kootenai River, Montana, is hereby modified to provide that funds available for such project, in an amount not to exceed \$750,000, may be used in participation with the State of Montana in the construction, operation, and maintenance of fish hatchery facilities, and the performance of related services, by the State for mitigation of fish losses occasioned by the project, in a manner deemed appropriate by the Secretary of the Army, acting through the Chief of Engineers.

Sec. 8. That subsection (c) of the first section of the Act entitled "An Act authorizing the city of Rock Island, Illinois, or its assigns, to construct, maintain, and operate a toll bridge across the Mississippi River at or near Rock Island, Illinois, and to a place at or near the city of Davenport, Iowa," approved March 18, 1938 (52 Stat. 110), as amended is amended by striking out "1970" and inserting in lieu thereof "1972".

72 Stat. 582;
80 Stat. 1415.

Sec. 9. That section 15 of the Act entitled "An Act creating the Muscatine Bridge Commission and authorizing said commission and its successors to acquire by purchase or condemnation and to construct, maintain, and operate a bridge or bridges across the Mississippi River at or near the city of Muscatine, Iowa, and the town of Drury, Illinois", approved July 26, 1936 (70 Stat. 669; Public Law 811, Eighty-fourth Congress), as amended, is amended (1) by striking out "three years" and inserting in lieu thereof "six years", and (2) by striking out "five years" and inserting in lieu thereof "eight years".

80 Stat. 274.

Sec. 10. (a) That the project for Denison Dam (Lake Texoma), Red River, Texas and Oklahoma, authorized by the Flood Control Act of 1938 (52 Stat. 1216), as amended, is hereby modified to provide that the city of Sherman, Texas, is authorized to construct a barrier dam across the Big Mound Arm of Lake Texoma so as to create a subimpoundment of not to exceed ninety-five thousand acre-feet, for the purpose of providing a municipal and industrial water supply in an amount not to exceed fifty-two thousand acre-feet annually. The city of Sherman shall reimburse the United States the costs, as determined by the Secretary of the Army, acting through the Chief of Engineers, allocable to an amount of storage in Lake Texoma equal to that in the subimpoundment, in accordance with the provisions of the Water Supply Act of 1958 as amended (43 U.S.C. 396(b)-(f)), including the loss in power revenues attributable to the subimpoundment.

54 Stat. 1200;
71 Stat. 368.

(b) The location and plans for the barrier dam shall be submitted to the Chief of Engineers and the Secretary of the Army for approval prior to construction in accordance with section 9 of the Act of March 3, 1899 (33 U.S.C. 401).

72 Stat. 319;
75 Stat. 210.
43 USC 390b.

(c) Prior to construction of the barrier dam, the city of Sherman shall agree in writing to (1) provide satisfactory means for the transference of small pleasure craft to and from the subimpoundment and Lake Texoma; (2) obtain any necessary State water rights required

30 Stat. 1151.

for use of the stored waters; (3) hold and save the United States free from all damages due to construction, operation, and maintenance of the barrier dam and subimpoundment; (4) operate and maintain the barrier dam and subimpoundment in accordance with regulations issued by the Secretary of the Army; and (5) pay the costs of any alterations or relocations of Federal facilities necessitated by the subimpoundment.

Short title.

SEC. 11. This Act may be cited as the "River Basin Monetary Authorization and Miscellaneous Civil Works Amendments Act of 1970".

Approved June 19, 1970.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 91-749 (Comm. on Public Works).

SENATE REPORT No. 91-995 (Comm. on Public Works).

CONGRESSIONAL RECORD:

Vol. 115 (1969): Dec. 15, considered and passed House.

Vol. 116 (1970): May 28, considered and passed Senate, amended.
June 4, House concurred in Senate amendments.



NOV 6 1970

EVERGLADES
NATIONAL PARK



Public Law 91-428
91st Congress, S. 2565
September 26, 1970

An Act

84 STAT. 885

To amend the Act fixing the boundary of Everglades National Park, Florida, and authorizing the acquisition of land therein, in order to increase the authorization for such acquisitions.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled. That section 8(a) of the Act entitled "An Act to fix the boundary of Everglades National Park, Florida, to authorize the Secretary of the Interior to acquire land therein, and to provide for the transfer of certain land not included within said boundary, and for other purposes", approved July 2, 1958 (72 Stat. 280) as amended (83 Stat. 134; 16 U.S.C. 410p), is amended by striking out "\$2,000,000" and inserting in lieu thereof "\$22,000,000".

Everglades
National Park,
Fla.
Land acquisition,
appropriation
increase.

SEC. 2. The second sentence of section 2 of the said Act of July 2, 1958, is amended by inserting a period after the word "otherwise" and deleting the remainder of the sentence.

Approved September 26, 1970.

LEGISLATIVE HISTORY:

- HOUSE REPORT No. 91-1455 accompanying H.R. 17789 (Comm. on Interior and Insular Affairs).
- SENATE REPORT No. 91-1011 (Comm. on Interior and Insular Affairs).
- CONGRESSIONAL RECORD, Vol. 115 (1970):
 - July 10, considered and passed Senate.
 - Sept. 21, considered and passed House, amended, in lieu of H.R. 17789.
 - Sept. 22, Senate concurred in House amendments.

George Washington's Continental Army at Jockey Hollow in 1779 and 1780, and to facilitate the administration and interpretation of the Morristown National Historical Park, the Secretary of the Interior is authorized to procure by purchase, donation, purchase with appropriated funds, or otherwise, not to exceed two hundred and eighty-one acres of land and interests therein which two hundred and eighty-one acres shall include Stark's Brigade campsite and other lands necessary for the proper administration and interpretation of the Morristown National Historical Park. (Pub. L. 88-601, § 1, Sept. 18, 1964, 78 Stat. 957.)

AUTHORIZATION OF APPROPRIATIONS FOR ADDITIONAL LANDS

Section 3 of Pub. L. 88-601 provided that: "There are authorized to be appropriated such sums, but not more than \$281,000 for acquisition of lands and interests in land, as may be necessary to carry out the purposes of sections 409g and 409h of this title."

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 409h of this title.

§ 409h. Same; administration of additional lands.

Lands acquired pursuant to this section and section 409g of this title, unless exchanged pursuant to section 409g of this title, shall constitute a part of the Morristown National Historical Park, and be administered in accordance with the laws and regulations applicable to such park. (Pub. L. 88-601, § 2, Sept. 18, 1964, 78 Stat. 957.)

EVERGLADES NATIONAL PARK

§ 410. Everglades National Park; establishment; acquisition of land.

When title to all the lands within boundaries to be determined by the Secretary of the Interior within the area of approximately two thousand square miles in the region of the Everglades of Dade, Monroe, and Collier Counties, in the State of Florida, recommended by said Secretary, in his report to Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443), shall have been vested in the United States, said lands shall be, and are, established, dedicated, and set apart as a public park for the benefit and enjoyment of the people and shall be known as the Everglades National Park: *Provided*, That the United States shall not purchase by appropriation of public moneys any land within the aforesaid area, but such lands shall be secured by the United States only by public or private donation. (May 30, 1934, ch. 371, § 1, 48 Stat. 816.)

CROSS REFERENCES

Florida laws relating to Everglades National Park, see F. S. A. §§ 284.01-284.14.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410a, 410b, 410d, 410f, 410j of this title.

§ 410a. Same; acceptance of title to lands.

The Secretary of the Interior is authorized, in his discretion and upon submission of evidence of title satisfactory to him, to accept on behalf of the United States, title to the lands referred to in section 410 of this title as may be deemed by him necessary or desirable for national-park purposes: *Provided*, That no land for said park shall be accepted until exclusive jurisdiction over the entire park area,

in form satisfactory to the Secretary of the Interior, shall have been ceded by the State of Florida to the United States. (May 30, 1934, ch. 371, § 2, 48 Stat. 816.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410b, 410d of this title.

§ 410b. Same; administration, protection, and development.

The administration, protection, and development of the aforesaid park shall be exercised under the direction of the Secretary of the Interior by the National Park Service, subject to the provisions of sections 1 and 2 to 4 of this title: *Provided*, That the provisions of the Federal Power Act shall not apply to this park: *Provided further*, That nothing in sections 410 to 410c of this title shall be construed to lessen any existing rights of the Seminole Indians which are not in conflict with the purposes for which the Everglades National Park is created. (May 30, 1934, ch. 371, § 3, 48 Stat. 816; Aug. 21, 1937, ch. 732, 50 Stat. 742.)

REFERENCES IN TEXT

The Federal Power Act, referred to in the text, was, in the original, a reference to act June 10, 1920, which is classified generally to chapter 12 of this title.

AMENDMENTS

1937—Act Aug. 21, 1937, struck out a proviso which prohibited the expenditure of public moneys by the United States on the park within a period of five years.

TRANSFER OF FUNCTIONS

All functions of all other officers of the Department of the Interior and all functions of all agencies and employees of such Department were, with two exceptions, transferred to the Secretary of the Interior, with power vested in him to authorize their performance or the performance of any of his functions by any of such officers, agencies, and employees, by 1950 Reorg. Plan No. 3, § 1. 3, eff. May 24, 1950, 15 F. R. 3174, 64 Stat. 1262, set out in the Appendix to Title 5, Government Organization and Employees.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410d of this title.

§ 410c. Same; preservation of primitive condition.

The said area or areas shall be permanently reserved as a wilderness, and no development of the project or plan for the entertainment of visitors shall be undertaken which will interfere with the preservation intact of the unique flora and fauna and the essential primitive natural conditions now prevailing in this area. (May 30, 1934, ch. 371, § 4, 48 Stat. 817.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410d of this title.

§ 410d. Same; acceptance and protection of property pending establishment of park; publication of establishment order.

(a) For the purpose of protecting the scenery, the wildlife, and other natural features of the region authorized to be established as the Everglades National Park by sections 410 to 410c of this title, notwithstanding any provision contained in said sections, the Secretary of the Interior is authorized in his discretion to accept on behalf of the United States any land, submerged land, or interests therein, subject to such reservations of oil, gas, or mineral rights as the Secretary may approve, within the area of

approximately two thousand square miles recommended by said Secretary in his report to the Congress of December 3, 1930, pursuant to the Act of March 1, 1929 (45 Stat. 1443): *Provided*, That no general development of the property accepted pursuant to this section shall be undertaken nor shall the park be established until title satisfactory to the Secretary to a major portion of the lands, to be selected by him, within the aforesaid recommended area shall have been vested in the United States: *Provided further*, That until the property acquired by the United States pursuant to this section has been cleared of the aforesaid reservations, the Secretary in his discretion shall furnish such protection thereover as may be necessary for the accomplishment of the purposes of this section: *And provided further*, That in the event the park is not established within ten years from December 6, 1944, or upon the abandonment of the park at any time after its establishment, title to any lands accepted pursuant to the provisions of this section shall thereupon automatically revert in the State of Florida or other grantors of such property to the United States.

(b) Upon the execution of the aforesaid provisions relating to establishment thereof, the Everglades National Park shall be established by order of the Secretary which shall be published in the Federal Register. (Dec. 6, 1944, ch. 508, 58 Stat. 794.)

§ 410e. Same; acquisition of additional lands; reservation of oil, gas, and mineral rights; reservation of royalty rights.

In order to consolidate the Federal ownership of lands within the boundary set forth in deed numbered 19035 executed December 28, 1944, by the trustees of the Internal Improvement Fund of the State of Florida, and accepted by the Secretary of the Interior on March 14, 1947, for Everglades National Park purposes, the said Secretary is authorized, within the aforesaid boundary and with any funds made available for that purpose, to procure lands or interests therein by purchase or otherwise, subject, however, to the right of retention by owners of lands, interests in lands, interests in oil, gas, and mineral rights, or royalties, their heirs, executors, administrators, successors, or assigns (hereinafter referred to as "owners"), at their election, of the following:

(1) The reservation until October 9, 1958, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands: *Provided*, That if on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary set forth in aforesaid deed numbered 19035, then in that event the time of the reservation as set forth in this subsection shall automatically extend for all owners, regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress and egress to and from such lands as may be necessary; and

(2) After the termination of the reserved rights of owners as set forth in subsection (1) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such lands at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns. (Oct. 10, 1949, ch. 659, § 1, 63 Stat. 733.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410f, 410g, 410h, 410j, 410o, 410p of this title.

§ 410f. Same; limitation of Federal action during reservation period.

Unless consented to by an owner retaining the reservation set forth in subsection (1) of section 410e of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's lands. (Oct. 10, 1949, ch. 659, § 2, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410h, 410j, 410o, 410p of this title.

§ 410g. Same; rules and regulations governing reservation rights.

Any reservations retained under the provisions of subsection (1) of section 410e of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the lands and areas for park purposes. (Oct. 10, 1949, ch. 659, § 3, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410h, 410j, 410o, 410p of this title.

§ 410h. Same; ascertainment of owners' election regarding reservation rights.

In any action caused by the Secretary of the Interior to be commenced for the acquisition of lands under the provisions hereof, reasonable diligence shall be exercised by him to ascertain whether owners elect to retain reservations in accordance with the provisions of sections 410e to 410h of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the lands, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their lands free and clear of reservations as set forth in subsections (1) and (2) of section 410e of this title. (Oct. 10, 1949, ch. 659, § 4, 63 Stat. 734.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410o, 410p of this title.

§ 4101. Same; exterior boundaries; administration.

Notwithstanding section 410 of this title, or any action taken pursuant to authority contained therein, the exterior boundary of Everglades National Park, Florida, is subject to the provisions of section 4100 of this title, fixed to include the following described lands:

(1) Beginning at the intersection of the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, and the west line of township 54 south, range 37 east, as shown on the Everglades National Park base map numbered NP-EVE-7109, revised August 10, 1949;

thence southerly along the west line of township 54 south, range 37 east, along the west line of Government lot 6 lying between township 54 south, and township 55 south, range 37 east, and along the west line of township 55 south, range 37 east, and township 56 south, range 37 east and along the west lines of sections 6, 7, and 18, township 57 south, range 37 east, to the southwest corner of section 18, said township and range;

thence easterly along the north line of section 19, 20, 21, 22, and 23 of said township and range to the northeast corner of section 23;

thence southerly along the east line of sections 23, 26, and 35 of said township and range to the southeast corner of said section 35;

thence easterly along the south line of section 36, of said township and range, to the southeast corner of said section 36;

thence southerly along the east line of sections 1, 12, 13, 24, 25, and 36, township 58 south, range 37 east, and along the west line of sections 6, 7, and 18, township 59 south, range 38 east, to the northwest corner of section 19, said township and range;

thence easterly along the north line of sections 19, 20, 21, 22, 23, and 24 of township 59 south, range 38 east, and sections 19 and 20 of township 59 south, range 39 east, to the southwest right-of-way line of United States Highway Numbered 1;

thence southeasterly along the southwest right-of-way line of United States Highway Numbered 1 to a point which is the northerly point of a tract of land conveyed by the trustees of the internal improvement fund, State of Florida, to John E. Ravlin, and others, by deed dated November 5, 1943, recorded in deed book G16, page 72, in Monroe County public records;

thence following along the westerly and southerly boundary of said tract to its point of intersection with a line parallel with and 200 feet northwesterly from the centerline of Intracoastal Waterway near the southern point of said Ravlin tract;

thence southwesterly, following a line parallel to the centerline of said Intracoastal Waterway and 200 feet northwesterly from said centerline to a point due north of Long Key Light, approximately longitude 80 degrees 50 minutes west, latitude 24 degrees 51 minutes north;

thence northwesterly, following a line at all times parallel to the centerline of said Intracoastal Waterway and 200 feet northeasterly from said centerline to a point opposite the Oxford Bank

Light, approximately longitude 81 degrees 00 minutes 40 seconds west, latitude 24 degrees 59 minutes 10 seconds north;

thence northwesterly in a straight line to a point 3 miles due south of the most southernmost point of East Cape (Cape Sable);

thence due north in a straight line to a point 2 miles due south of the most southernmost point of East Cape (Cape Sable);

thence northwesterly in the Gulf of Mexico in a straight line to a point 2 miles due west of the southeast corner of fractional section 31 (Middle Cape), township 60 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the most westernmost point of Northwest Cape (Cape Sable);

thence northeasterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 6, township 59 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the southwest corner of section 6, township 53 south, range 32 east;

thence northwesterly in a straight line to a point 2 miles due west of the northwest corner of fractional section 28, township 56 south, range 31 east;

thence northwesterly in a straight line to a point 3 miles due west of the southwest corner of fractional section 32, township 54 south, range 30 east;

thence northwesterly in a straight line to the southwest corner of section 28, township 53 south, range 28 east;

thence northerly along the west line of section 28, township 53 south, range 28 east, to the northwest corner of said section 28;

thence easterly along the north line of section 28, township 53 south, range 28 east, to the northeast corner of said section 28;

thence northerly along the west line of section 22, township 53 south, range 28 east, to the northwest corner of said section 22;

thence easterly along the north line of section 22, township 53 south, range 28 east, to the northeast corner of said section 22;

thence northerly along the west line of section 14, township 53 south, range 28 east, to the northwest corner of said section 14;

thence easterly along the north line of section 14, township 53 south, range 28 east, to the northeast corner of said section 14;

thence northerly along the west line of section 12, township 53 south, range 28 east, to the northwest corner of said section 12;

thence easterly along the north line of section 12, township 53 south, range 28 east, to the northeast corner of said section 12;

thence northerly along the west line of section 6, township 53 south, range 29 east, to the northwest corner of said section 6;

thence easterly along the north line of township 53 south, range 29 east, to the northeast corner of section 4, township 53 south, range 29 east;

thence southerly along the east lines of sections 4, 9, 16, and 21, township 53 south, range 29 east, to the southeast corner of the northeast quarter of said section 21;

thence easterly to the center of section 22, township 53 south, range 29 east;

thence southerly to the southeast corner of the southwest quarter of section 22, township 53 south, range 29 east;

thence easterly along the south line of section 22, township 53 south, range 29 east, to the southeast corner of said section 22;

thence southerly along the west line of section 26, township 53 south, range 29 east, to the southwest corner of the northwest quarter of said section 26;

thence easterly to the center of section 26, township 53 south, range 29 east;

thence southerly to the northwest corner of the southwest quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence easterly to the northeast corner of the southeast quarter of the southeast quarter of section 26, township 53 south, range 29 east;

thence southerly along the east line of section 26, township 53 south, range 29 east, to the southeast corner of said section 26;

thence easterly along the north line of section 36, township 53 south, range 29 east, to the northeast corner of the northwest quarter of said section 36;

thence southerly to the southwest corner of the northwest quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence easterly to the southeast corner of the northeast quarter of the southeast quarter of section 36, township 53 south, range 29 east;

thence continuing easterly to the southeast corner of the northwest quarter of the southwest quarter of section 31, township 53 south, range 30 east;

thence northerly to the northeast corner of the northwest quarter of the northwest quarter of section 31, township 53 south, range 30 east;

thence continuing northerly to the northeast corner of the southwest quarter of the southwest quarter of section 30, township 53 south, range 30 east;

thence westerly to the northeast corner of the southeast quarter of the southeast quarter of section 25, township 53 south, range 29 east;

thence northerly along the east lines of sections 25, 24, and 13, township 53 south, range 29 east, to the northeast corner of said section 13;

thence easterly along the north lines of sections 18, 17, 16, 15, 14, and 13, to the northeast corner of section 13, township 53 south, range 30 east;

thence southerly along the east lines of sections 13, 24, 25, and 36 to the southeast corner section 36, township 53 south, range 30 east;

thence easterly along the north lines of sections 6, 5, and 4 to the northeast corner of section 4, township 54 south, range 31 east;

thence southerly along the east line of section 4 to the southeast corner of section 4, township 54 south, range 31 east;

thence easterly along the north line of section 10 to the northeast corner of section 10, township 54 south, range 31 east;

thence southerly along the east line of section 10 to the southeast corner of section 10, township 54 south, range 31 east;

thence easterly along the north line of section 14 to the northeast corner of section 14, township 54 south, range 31 east;

thence southerly along the east line of section 14 to the southeast corner of section 14, township 54 south, range 31 east;

thence easterly along the north line of section 24 to the northeast corner of section 24, township 54 south, range 31 east;

thence southerly along the east lines of sections 24 and 25 to the southeast corner of section 25, township 54 south, range 31 east;

thence easterly along the north lines of sections 31, 32, and 33 to the northeast corner of section 33, township 54 south, range 32 east;

thence southerly along the east line of section 33 to the southeast corner of section 33, township 54 south, range 32 east;

thence easterly along the north line of section 3, to the northeast corner of section 3, township 55 south, range 32 east;

thence southerly along the east lines of sections 3 and 10, to the southeast corner of section 10, township 55 south, range 32 east;

thence easterly along the north line of section 14, to the northeast corner of section 14, township 55 south, range 32 east;

thence southerly along the east line of section 14, to the southeast corner of section 14, township 55 south, range 32 east;

thence easterly along the north line of section 24, to the northeast corner of section 24, township 55 south, range 32 east;

thence southerly along the east lines of sections 24 and 25 to the northeast corner of the southeast quarter of section 25, township 55 south, range 32 east;

thence easterly along the north line of the south half of section 30 to the northeast corner of the south half of section 30, township 55 south, range 33 east;

thence southerly along the east lines of sections 30 and 31 to the southeast corner of section 31, township 55 south, range 33 east;

thence southerly along the east line of section 6, to the southeast corner of section 6, township 56 south, range 33 east;

thence easterly along the north lines of sections 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 33 east;

thence easterly along the north lines of sections 7, 8, 9, 10, 11, and 12, to the northeast corner of section 12, township 56 south, range 34 east;

thence easterly along the north line of section 7 to the northeast corner of section 7, township 56 south, range 35 east;

thence northerly along the west line of section 5 to the northwest corner of section 5, township 56 south, range 35 east;

thence northerly along the west lines of sections 32, 29, 20, 17, 8, and 5 to the northwest corner of section 5, township 55 south, range 35 east;

thence northerly along the west lines of sections 32, 23, and 20 to the intersection of the south right-

of-way line of the Loop Road, township 54 south, range 35 east;

thence easterly along the south right-of-way line of the Loop Road and the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 20, 21, 22, 23, and 24, township 54 south, range 35 east, to the intersection of the east township line, township 54 south, range 35 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, through sections 19, 20, 21, 22, 23, and 24, township 54 south, range 36 east, to the east township line of township 54 south, range 36 east;

thence easterly along the south right-of-way line of United States Highway Numbered 41, also known as the Tamiami Trail, across township 36½ east to the intersection of the west line of township 54 south, range 37 east, the point of beginning;

(2) Land acquired by the United States of America for furthering administration and use of the park by deeds dated January 25, 1954 (2), and February 27, 1954 (2), recorded in the public records of Monroe County, Florida, book OR-3, pages 302 to 308, inclusive, and book OR-2, pages 378 to 381, inclusive, respectively; and accepted by the National Park Service on April 7, 1954 (2), and April 5, 1954 (2), respectively; and

(3) Not to exceed 35 acres, to be acquired by donation only, in or in the vicinity of Everglades City, Florida, which the Secretary of the Interior may find necessary and suitable for furthering administration and use of the park.

Land and water now in Federal ownership within said boundary shall continue to be administered as Everglades National Park; however, the land and water therein not in Federal ownership shall be administered as a part of the park only after being acquired as hereinafter provided. (Pub. L. 85-482, § 1, July 2, 1958, 72 Stat. 280.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410J, 410m, 410o, 410p of this title.

§ 410j. Same; acquisition of land, water, and interests therein; consent of owner; reservations.

The authority of the Secretary of the Interior to acquire land and water for Everglades National Park shall on and after July 2, 1958 be restricted to the area within the boundary described in section 410j of this title. Notwithstanding the proviso contained in section 410 of this title, or any other provision of law, the said Secretary is authorized on and after July 2, 1958, within the boundary fixed in sections 410i to 410p of this title and with any funds made available for that purpose, to acquire land, water, and interests therein by purchase or otherwise.

The authority to acquire land, water, and interests therein within the park boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, is further subject to the right of retention by the owners thereof, including owners of interests in oil, gas, and mineral rights or royalties, and by their heirs,

executors, administrators, successors, and assigns, at their election of the following:

(1) The reservation until October 9, 1967, of all oil, gas, and mineral rights or interests, including the right to lease, explore for, produce, store, and remove oil, gas, and other minerals from such lands;

(2) In the event that on or before said date, oil, gas, or other minerals are being produced in commercial quantities anywhere within the boundary fixed in section 410i of this title but outside the area designated in sections 410e to 410h of this title, the time of the reservation provided in subsection (1) above shall automatically extend for all owners within said boundary and outside of said area regardless of whether such production is from land in which such owners have an interest, for so long as oil, gas, or other minerals are produced in commercial quantities anywhere within said boundary and outside of said area. To exercise this reservation, the owners, their lessees, agents, employees, and assigns shall have such right of ingress to and egress from such land and water as may be necessary; and

(3) After the termination of the reserved rights of owners as set forth in subsections (1) and (2) of this section, a further reservation of the right to customary royalties, applying at the time of production, in any oil, gas, or other minerals which may be produced from such land and water at any time before January 1, 1985, should production ever be authorized by the Federal Government or its assigns.

(Pub. L. 85-482, § 2, July 2, 1958, 72 Stat. 284; Pub. L. 91-428, § 2, Sept. 26, 1970, 84 Stat. 885.)

AMENDMENTS

1970—Pub. L. 91-428 deleted restriction against acquisition of certain described lands in Dade County without the consent of the owner so long as the land is used exclusively for agricultural purposes, including housing directly incident thereto, or is lying fallow or remains in its natural state.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410k, 410l, 410m, 410p of this title.

§ 410k. Same; limitation of Federal action during reservation period.

Unless consented to by an owner retaining the reservation set forth in subsections (1) and (2) of section 410j of this title, no action shall be taken by the Federal Government during the period of such reservation to purchase, acquire, or otherwise terminate or interfere with any lease or leases which may be applicable to said owner's land. (Pub. L. 85-482, § 3, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410l. Same; rules and regulations governing reservation rights.

Any reservations retained under the provisions of subsections (1) and (2) of section 410j of this title shall be exercised by the owners subject to reasonable rules and regulations which the Secretary may prescribe for the protection of the park, but which

shall permit the reserved rights to be exercised so that the oil, gas, and minerals may be explored for, developed, extracted, and removed from the park area in accordance with sound conservation practices. All operations shall be carried on under such regulations as the Secretary may prescribe to protect the land and area for park purposes. (Pub. L. 85-482, § 4, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410m. Same; ascertainment of owners' election regarding reservation rights.

In acquiring any of the land or water within the area described in section 410i of this title the Secretary of the Interior shall exercise reasonable diligence to ascertain whether owners elect to retain reservations in accordance with the provisions of section 410j of this title. If, after the exercise of such reasonable diligence, owners cannot be located, or do not appear in judicial proceedings to acquire the land and water, so that it may be ascertained whether they desire to retain reservations in accordance with the provisions hereof, the Secretary may acquire the fee simple title to their land free and clear of reservations as set forth in subsections (1), (2), and (3) of section 410j of this title. (Pub. L. 85-482, § 5, July 2, 1958, 72 Stat. 285.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410n. Same; drainage of lands; right-of-way.

Unless the Secretary, after notice and opportunity for hearing, shall find that the same is seriously detrimental to the preservation and propagation of the flora or fauna of Everglades National Park, he shall permit such drainage through the natural waterways of the park and the construction, operation, and maintenance of artificial works for conducting water thereto as is required for the reclamation by the State of Florida or any political subdivision thereof or any drainage district organized under its laws of lands lying easterly of the eastern boundary of the park in township 54 south, ranges 31 and 32 east, township 55 south, ranges 32 and 33 east, and township 56 south, range 33 east. He shall grant said permission, however, only after a master plan for the drainage of said lands has been approved by the State of Florida and after finding that the approved plan has engineering feasibility and is so designed as to minimize disruptions of the natural state of the park. Any right-of-way granted pursuant to this section shall be revocable upon breach of the conditions upon which it is granted, which conditions shall also be enforceable in any other appropriate manner, and the grantee shall be obligated to remove its improvements and to restore the land occupied by it to its previous condition in the event of such revocation. (Pub. L. 85-482, § 6, July 2, 1958, 72 Stat. 286.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410j, 410p of this title.

§ 410o. Same; exchange of land, water, and interests therein.

The Secretary of the Interior is authorized to transfer to the State of Florida by quitclaim deed the land, water, and interests therein, previously acquired by the United States of America for Everglades National Park and not included within such park by section 410i of this title, such transfer to be in exchange for the conveyance by the State of Florida to the United States of all land, water, and interests therein, owned by the State within the boundary of the park as described in section 410i of this title: *Provided*, That exclusion of any land, water, and interests therein from the park boundary pursuant to section 410i of this title shall be dependent upon the contemporaneous conveyance by the State to the United States of all land, water, and interests therein, owned by the State within the park boundary described in section 410i of this title, including land, water, and interests therein, heretofore conveyed to the State for transfer to the United States for inclusion in Everglades National Park. The effectuation of the transfer provided for in this section shall be a condition precedent to the acquisition by the Secretary of any land, water, or interests therein held in private ownership within the boundaries set forth in section 410i of this title and outside the area designated in sections 410e to 410h of this title, except as such acquisition is by donation (Pub. L. 85-482, § 7, July 2, 1958, 72 Stat. 286.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 410i, 410j, 410p of this title.

§ 410p. Same; authorization of appropriations.

(a) There are authorized to be appropriated such sums, but not more than \$22,000,000 in all, as are required for the acquisition of land, water, and interests therein held in private ownership within the boundaries of Everglades National Park as fixed by section 410i of this title and outside the area described in sections 410e to 410h of this title.

(b) In addition to the amount authorized in subsection (a) of this section there is authorized to be appropriated such amount, not in excess of \$700,200, as is necessary for the acquisition, in accordance with the provisions of sections 410i to 410p of this title, of the following described privately owned lands:

Sections 3, 4, and 5; section 6, less the west half of the northwest quarter; sections 7, 8, 9, and 10; north half of section 15; and sections 17 and 18, all in township 59 south, range 37 east, Tallahassee meridian.

(Pub. L. 85-482, § 8, July 2, 1958, 72 Stat. 286; Pub. L. 91-88, Oct. 17, 1969, 83 Stat. 134; Pub. L. 91-428, § 1, Sept. 26, 1970, 84 Stat. 885.)

AMENDMENTS

1970—Pub. L. 91-428 increased appropriations authorization to \$22,000,000 from \$2,000,000.

1969—Pub. L. 91-88 designated existing provisions as subsec. (a) and added subsec. (b).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410j of this title.

§ 410q. Same; exchange of lands.

In order to further the administration and use of the Everglades National Park, the Secretary of the Interior is authorized to accept on behalf of the United States title to the following described parcels of land:

Those parts of tracts "R" and "S" which lie west of the right-of-way of State Road Numbered 29, and lots 1 to 9, inclusive, of block 40, in Everglades City, Florida, comprising 13.98, 1.32, and 3.17 acres, respectively, as shown on N.P.S. Map No. EVE-NP-E-1, dated June 23, 1959, of Everglades City, Florida; and not to exceed 15 acres of submerged lands lying adjacent to said tracts "R" and "S", if such additional lands are considered necessary by the Secretary of the Interior to permit full utilization of the lands above described;

and, in exchange for such parcels of land, to convey to the owner or owners thereof all right, title, and interest of the United States in and to the following described parcels of land within the Everglades National Park:

Tract "L" and block 34, comprising 9.09 and 1.65 acres, respectively, lying in or in the vicinity of Everglades City, Florida.
(Pub. L. 86-269, § 1, Sept. 14, 1959, 73 Stat. 553.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r of this title.

§ 410r. Same; lands acquired as part of park; rules and regulations.

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410q of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.
(Pub. L. 86-269, § 2, Sept. 14, 1959, 73 Stat. 554.)

→ § 410r-1. Same; acceptance of additional lands.

The Secretary of the Interior is authorized to accept for Everglades National Park purposes, title to approximately 1,160 acres of land and submerged land lying within sections 25, 26, and 36 of township 53 south, range 29 east, and section 30, township 53 south, range 30 east, Tallahassee meridian, and being a portion of the land and submerged land donated and conveyed by three Collier deeds in 1951 and 1952 to the trustees of the internal improvement fund of the State of Florida for subsequent inclusion in the Everglades National Park. Such three Collier deeds are dated December 12, 1951, December 26, 1951, and March 21, 1952, and are recorded in deed book 22, page 240, deed book 22, page 244, and deed book 39, page 25, respectively, in Collier County, Florida. The aforesaid land and submerged land shall be subject to the reservations set forth in the aforementioned Collier deeds for public utility easements and rights-of-way of the public with respect to Indian Key Channel, and also to a public right-of-way for the State highway or causeway from Everglades City to Chokoloskee Island.
(Pub. L. 86-681, § 1, Sept. 2, 1960, 74 Stat. 577.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r-2 of this title.

§ 410r-2. Same; lands acquired as part of park; rules and regulations.

All lands and submerged lands title to which is accepted by the Secretary of the Interior pursuant to the provisions of section 410r-1 of this title shall, upon the acceptance of title thereto, become parts of the Everglades National Park and shall be subject to all laws and regulations applicable thereto.
(Pub. L. 86-681, § 2, Sept. 2, 1960, 74 Stat. 577.)

§ 410r-3. Same; acceptance of additional lands; lands acquired as part of park; reimbursement of revolving fund.

The Secretary of the Interior is authorized to accept a transfer from the Administrator of the Farmers Home Administration, United States Department of Agriculture, which transfer is hereby authorized, of a tract of land consisting of approximately four thousand four hundred and twenty acres, lying within the boundaries of Everglades National Park, in Dade County, Florida, and more particularly described in the masters deed dated December 21, 1962, in the proceeding entitled "The Connecticut Mutual Life Insurance Company against Toni Iori, a single man; Peter Iori and Helen Iori, his wife, d/b/a Iori Bros., et al.," No. 61C-3823, in the Circuit Court of the Eleventh Judicial Circuit of Florida, in and for Dade County, and recorded in the official records of said county in book 3494 at page 457, or in any modification of such masters deed, for administration as a part of the Everglades National Park. Such transfer will be made by the Farmers Home Administration, Department of Agriculture, to the Secretary of Interior, only after the Farmers Home Administration's emergency credit revolving fund has been fully reimbursed for all cost incurred by it in connection with the aforesaid land. Such transfer may be accepted when title to the property is vested in the United States.
(Pub. L. 88-588, § 1, Sept. 12, 1964, 78 Stat. 933.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 410r-4 of this title.

§ 410r-4. Same; authorization of appropriations for reimbursement of revolving fund.

There is hereby authorized to be appropriated to the emergency credit revolving fund, upon the transfer authorized in section 410r-3 of this title, such sum as may be necessary but not in excess of \$452,000 to reimburse the fund for costs incurred by the Farmers Home Administration in connection with the aforesaid property.
(Pub. L. 88-588, § 2, Sept. 12, 1964, 78 Stat. 933.)

MINUTE MAN NATIONAL HISTORICAL PARK

§ 410s. Minute Man National Historical Park; establishment; boundaries.

(a) Establishment; boundaries.

In order to preserve for the benefit of the American people certain historic structures and properties of outstanding national significance associated with the opening of the War of the American Revolution, Minute Man National Historical Park is authorized to be established in the Commonwealth of Massachusetts.

CHAPTER 264. EVERGLADES NATIONAL PARK

Sec.

- 264.01 Everglades national park commission created; organization; compensation; offices.
- 264.02 Powers of commission; payment of salaries and expenses.
- 264.03 Commission may use funds to acquire title to lands designated in certain counties by interior department.
- 264.04 Power of eminent domain.
- 264.05 Authority to acquire title to or control of land.
- 264.06 Grant, etc., of title to United States.
- 264.07 Commission may employ attorneys.
- 264.08 Authority of United States to acquire lands; jurisdiction over lands.
- 264.09 Lands may be conveyed to United States; to revert if not used.
- 264.10 Trustees may exchange certain lands for lands in Everglades national park.
- 264.11 Appropriation.
- 264.12 Additional appropriation.
- 264.13 Procedure for payment of accounts; bills, and claims.
- 264.14 Annual audit of commission's accounts; report to governor.

264.01 Everglades national park commission created; organization; compensation; offices

A Florida state commission is hereby created under the name of Everglades national park commission and is referred to in this law as the commission. Said commission shall be composed of not less than twelve and not more than thirty members, all residents of the State of Florida, and shall be appointed by the governor for a period of four years, or until their successors are appointed and qualified. Any vacancies occurring in said commission shall be filled by the governor.

There shall be a chairman of said commission, who shall be appointed by the governor and who shall be a member of the commission.

There may be a managing director and an executive secretary of the commission, who shall be appointed by the governor. The salaries of the managing director and the executive secretary shall be fixed by the commission with the approval of the governor and shall be paid from appropriations by the commission, of not more than four thousand eight hundred dollars and two thousand four hundred dollars per annum, respectively. The salaries of such other employees as may be necessary in carrying on the work of the commission shall be fixed by the managing director, subject to the approval of the commission.

The members of said commission, including the chairman, shall receive no compensation for their services but may be paid transportation expenses at the rate of five cents per mile and other necessary and actual traveling expenses not to exceed four dollars and fifty cents per day for time consumed in attending duly ordered commission meetings authorized by the commission.

The said managing director, executive secretary and other employees of the commission shall receive necessary and actual transportation and traveling expenses when traveling in connection with the business of the commission.

The place of the central offices of the commission shall be fixed by said commission. As amended Laws 1941, c. 20669, § 1.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp.1936, § 1756 (1).

Laws 1935, c. 16996, § 1.

Laws 1929, c. 13887, §§ 1, 4.

Laws 1941, c. 20669, § 1 amended section by changing "twelve" to "not less than twelve nor more than thirty" in first paragraph, and by changing remainder of section to read as now set out. Prior thereto it read as follows:

"The members of said commission including the chairman, with the exception of the executive chairman and executive secretary, shall receive no compensation for their services, but may be paid transportation expenses at the rate of five cents per mile and other necessary and actual traveling expenses not to exceed four dollars and fifty cents per day for time consumed in attending duly ordered commission meetings and for other occasions where travel is involved and as may be authorized by the commission.

"The chairman shall be elected from among the twelve commission members by a majority vote of the members. The executive chairman and the executive secretary shall be appointed by the governor; the executive chairman appointed shall be selected from the members of the commission. The salary of the executive chairman and executive secretary shall be fixed by the governor and paid from appropriations for the commission not more than four

thousand dollars per annum for the executive chairman, and not more than twenty-five hundred dollars per annum for the executive secretary. The executive chairman shall have and select his secretary, whose salary shall be fixed and paid from appropriations for the commission in a sum not to exceed sixteen hundred and eighty dollars per annum.

"The executive chairman, executive secretary and secretary to the executive chairman shall also receive necessary and actual transportation and traveling expenses in the same manner and at the same rates as provided in this chapter generally for members of the commission. The place of the central offices of the commission shall be fixed by said commission."

Laws 1929, c. 13887, § 4 (Comp.Gen. Laws Supp.1936, § 1756(1)), was source of last paragraph, and identical thereto.

Laws 1935, c. 16996, § 1 (Comp.Gen. Laws Supp.1936, § 1756(1)) amended Laws 1929, c. 13887, § 1, by eliminating from first paragraph "Tropic" preceding "Everglades National Park", and by amending remaining language thereof to read as originally set out in section. Prior thereto it read as follows: "The members of said Commission, with the exception of the Chairman of the Board, shall receive no compensation for their services, but may be paid their traveling expenses, out of funds herein-

after mentioned to be received from subscriptions, said Chairman to be elected from among the twelve Commission members by a majority vote of the members. The salary of said Chairman may be fixed by said Commission."

Laws 1941, c. 20669, §§ 4, 5, read:

"§ 4. If any part or parts of this Act shall be held invalid by any Court of competent jurisdiction, such holding shall not affect the remaining portions of this Act.

"§ 5. All laws and parts of laws in conflict herewith are hereby repealed."

Section 6 provided that the Act should take effect immediately upon its passage and approval by the Gov-

ernor or upon its becoming a law without such approval.

Title of Act:

An Act Relating to Everglades National Park; to Amend Sections 1, 2 and 3 of Chapter 13857, Laws of Florida, Acts of 1929, Approved May 25, 1929, Entitled: "An Act to provide for the Acquisition of Park Lands and Property in the Counties of Dade, Monroe and Collier Counties, Florida, for the Purpose of Conveying the Same to the United States of America to be Used as a National Park," as Amended by Chapter 16996, Laws of Florida, Acts of 1935, Approved June 7, 1935, and Providing for the Powers and Duties of the Everglades National Park Commission. Laws 1941, c. 20669.

Notes of Decisions

Resignation as affecting membership

2

Secretary, status of 1

1. Secretary, status of

In determining whether executive secretary of Everglades National Park Commission was an employee or officer, as regards his right to compensation, the failure of this section to fix a definite tenure for the executive secretary in itself would not stamp the position as an employment but may be considered as an element in construing its status. *Palmer v. State ex rel. Axleroad*, 149 Fla. 616, 6 So.2d 550.

Although the issuance of a commission is not indispensable to the validity of an office, the failure of executive secretary of Everglades National Park Commission to receive a commission is important in considering the status of position of executive secretary when considered with other circumstances surrounding his appointment and service. *Palmer v. State ex rel. Axleroad*, 149 Fla. 616, 6 So.2d 550.

The executive secretary of Everglades National Park Commission was not an "officer" but an "employee" whose services could be terminated by the Governor at pleas-

ure and hence discharged executive secretary was not entitled to compensation for four years following his discharge, in view of statutory failure to fix his term of office, his failure to file an oath with Secretary of state and other circumstances. *Palmer v. State ex rel. Axleroad*, 149 Fla. 616, 6 So.2d 550.

The executive secretary of Everglades National Park Commission was not precluded from recovering his salary on ground that he was an officer, and that this section, under which he was appointed contained no limitation of term in violation of Const. art. 16, § 7, providing that Legislature shall not create any office, term of which shall be longer than four years, since court would assume that his appointment was for four years, which was the term for which members of commission were appointed, and hence whether secretary held office or position was immaterial, where it was shown that he was regularly appointed, was not removed, and had discharged services he was expected to perform. *State ex rel. Axleroad v. Lee*, 132 Fla. 512, 181 So. 9.

2. Resignation as affecting membership

Where executive chairman of the Everglades National Park Commis-

sion resigned as member of the commission and as chairman, but chairman allegedly continued to function until appointment and qualification of his successor, chairman's incumbency of office as member and chairman did not terminate until appointment and qualification of successor, and, where during interim between acceptance of resignation and appointment

of successor he continued to perform the duties of his office, he was entitled to compensation at rate provided by this section for his services during that period and writ of mandamus requiring state comptroller to sign salary warrants was awarded. *State ex rel. Coe v. Lee*, 147 Fla. 464, 3 So. 2d 497.

264.02 Powers of commission; payment of salaries and expenses

The said commission is hereby vested with all the powers necessary and incident to the accomplishment of the purposes for which it is created, including, in general, the doing of such things as may be necessary to further the interest and bring about the complete acceptance and development of said park by the federal government: and when any power is expressly conferred on said commission it shall be held and construed that said power includes all other powers necessary or incident thereto.

Said commission is authorized and empowered to cooperate with the Everglades National Park Association, a non-profit corporation duly incorporated, wherein and in such measures as said Association, in the opinion of said commission, can further the interests of the Everglades national park project to better advantage than can said commission, owing to the freedom of the Everglades National Park Association from legislative restrictions, or official bureau regulations, including the allotment of such funds to the Association as it may require to perform its functions, which shall be subject to audit by the state as provided in § 264.03 as to the commission.

Out of subscriptions, gifts and moneys, coming to the commission by appropriation or otherwise, shall be paid expenses accruing through and by the acquisition of Everglades national park lands and to carry out the powers vested in the commission herein, and all salaries and expenses of said commission and its officers and employees. As amended Laws 1941, c. 20669, § 2.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp.1936, § 1756 (2).

Laws 1935, c. 16996, § 2.

Laws 1929, c. 13887, § 2.

Laws 1941, c. 20669, § 2, amended section by substituting, in first paragraph, words reading "including * * * federal government" for "as declared in this chapter"; by adding,

in second paragraph, "duly incorporated" following "non profit corporation" and that from "including the allotment" to end of paragraph; and by adding, in third paragraph, words "and to carry out the powers vested in the commission herein."

Laws 1935, c. 16996, § 2 (Comp.Gen. Laws Supp.1936, § 1756(2)) amended Laws 1929, c. 13887, § 2 by changing

language thereof following first paragraph to read as originally set out in section. Prior thereto it read as follows:

"Said Commission is authorized and empowered to receive and take over the Tropic Everglades Park Association, and such assets as it may have for promotion of the Tropic Everglades National Park, project, and upon such transfer said Association shall be dissolved. Upon such transfer said Commission is authorized to collect any unpaid balances of pledges

or subscriptions made to said Tropic Everglades Park Association, and apply the funds to be received from such pledges for the purposes for which they were made.

"Out of such funds and future subscriptions and gifts shall be paid the expenses of the said Commission accruing by the purchases of land and other expenses."

See, also, History and Source of Law under § 264.01.

Notes of Decisions

1. Mandamus to compel payment

Mandamus would not lie to compel Governor to countersign warrants for salary notwithstanding that validity of claim and amount for which warrants were drawn had been finally and affirmatively adjudicated. State ex rel. Axleroad v. Cone, 137 Fla. 496, 188 So. 93.

The duty imposed upon state comptroller to draw a warrant upon state treasurer for salary for services performed by executive secretary of Everglades National Park Commission was "ministerial," and hence executive secretary was entitled to mandamus to command comptroller to draw such warrant in payment of secretary's salary. State ex rel. Axleroad v. Lee, 132 Fla. 512, 181 So. 9.

264.03 Commission may use funds to acquire title to lands designated in certain counties by interior department

The commission shall have full control over the funds contributed or otherwise acquired by said commission, subject to annual audits of the commission's accounts by the state, both as they may involve state appropriations and other accounts. Said funds may be expended in the acquiring of land for national park purposes in Dade, Monroe and Collier counties and for the improvement thereof, and to carry out the powers vested in the commission herein. The commission may acquire title in the name of the State of Florida to any lands that the interior department may designate in said counties, as an area for a national park. As amended Laws 1941, c. 20669, § 3.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp. 1936, §§ 1756(3), 1756(4).

Laws 1929, c. 13887, § 3, 5.

Laws 1941, c. 20669, § 3 amended section by adding, in first sentence, language beginning "subject to annual audits" and, in second sentence, that beginning "and to carry out".

Laws 1929, c. 13887, §§ 3, 5 (Comp. Gen.Laws Supp. 1936, §§ 1756(3), 1756(4)), were sources of first two sentences and last sentence, respectively.

See, also, History and Source of Law under § 264.01.

264.04 Power of eminent domain

The commission, as an agency of the State of Florida, is vested with the power of eminent domain to acquire in the name and in behalf of the State of Florida, and to condemn for park purposes, land and other property, including dwelling houses, outbuildings, yards and gardens within the area as designated by the department of the interior, as set out in § 264.03. The power of eminent domain conferred shall be exercised under and in pursuance of the provisions of chapter 73 of these statutes, and it shall in no case be necessary to allege or prove that an effort has been made to agree with the owner upon a fair and reasonable price for the acquisition of any property sought to be acquired; that every judgment rendered in such proceedings shall bind the land and bar all persons claiming title thereto or interest therein; quiet the title thereto; and shall be forever binding and conclusive upon and against all persons. It shall not be an exception to such conclusiveness that the person is an infant, lunatic, or is under disability, and every other person shall have recourse against the award paid into court for any loss he may suffer by reason of being so concluded.

History and Source of Law**Derivation:**

Comp.Gen.Laws Supp. 1936, § 1758
(7).
Laws 1929, c. 13887, § 8.

264.05 Authority to acquire title to or control of land

Title or control of any land or any interest therein within the area as designated by the department of the interior may be acquired by the Everglades national park commission by purchase, gift, bequest, or any other lawful means for the transfer of title; and the commission may further acquire land and other property by purchase, gift, bequest or otherwise.

History and Source of Law**Derivation:**

Comp.Gen.Laws Supp.1936, § 1758
(8).
Laws 1929, c. 13887, § 9.

264.06 Grant, etc., of title to United States

The Everglades national park commission is vested with the power to contract, give, grant, convey and transfer to the United States of America for national park purposes, all right, title and interest which it, in the name of the State of Florida, may acquire in lands or other property within the area mentioned in § 264.03.

Any conveyances under said contract shall be executed by and in the name of the State of Florida, by the governor thereof, attested by the secretary of state, and sealed with the great seal thereof; and no other warrant or authority shall be required for the recordation of any such instrument:

History and Source of Law

Derivation:

- Comp.Gen.Laws Supp.1936, § 1756
(9).
Laws 1929, c. 13887, § 10.

264.07 Commission may employ attorneys

The Everglades national park commission may designate and employ some attorney or attorneys, if and when required, to advise the commission and its officers on legal questions and in its name to appear, prosecute, or defend any actions or proceedings in which the state or the commission may be a party under the provisions of this chapter.

History and Source of Law

Derivation:

- | | |
|---|---|
| <p>Comp.Gen.Laws Supp.1936, § 1756
(10).
Laws 1935, c. 16996, § 3.
Laws 1929, c. 13887, § 11.</p> | <p>Laws 1935, c. 16996, § 3 (Comp.Gen. Laws Supp.1936, § 1756(10)), amended Laws 1929, c. 13887, § 11 by substituting words "and employ * * * legal questions" now appearing in section for language formerly reading "some person or persons as attorneys for it".</p> |
|---|---|

264.08 Authority of United States to acquire lands; jurisdiction over lands

The United States of America may acquire by conveyance, and the commission may convey to the United States, pursuant to this chapter, all lands mentioned in § 264.06, and for the purposes set out in the act of congress approved May 30, 1934, (public no. 267, 73rd congress¹) and exclusive jurisdiction is ceded to the United States of America over and within all the territory in the State of Florida thus deeded or conveyed; saving, however, to the State of Florida the right to serve criminal or civil process, within the limit of the land or lands thus acquired, in suits or prosecutions for or on account of rights acquired, obligations incurred, or crime committed, in said state outside of said land or lands, and on account of rights acquired, obligations incurred, or crimes committed on or within said lands, prior to the date of the giving or service of notice, as hereinafter provided, of the assumption of police jurisdiction over such land or lands by the United States; and, saving further, to the said state the right to tax sales of gaso-

line and other motor vehicle fuels and oil for use in motor vehicles, and to tax persons and corporations, their franchises and properties, on land or lands deeded or conveyed as aforesaid; and saving, also, to persons residing in or on any of the land or lands deeded or conveyed as aforesaid, the right to vote at all elections within the county in which said land or lands are located, upon like terms and conditions and to the same extent as they would be entitled to vote in such county had not such lands been deeded or conveyed, as aforesaid, to the United States of America; provided, nevertheless, that such jurisdiction shall not vest in the United States of America unless and until it, through the proper officer or officers, notifies the governor and through him the State of Florida, that the United States of America assumes police jurisdiction over the land or lands thus deeded.

16 U.S.C.A. §§ 410-410c.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp.1936, § 1756 (11).

Laws 1935, c. 16996, § 4.

Laws 1929, c. 13887, § 12.

Laws 1935, c. 16996, § 4 (Comp. Gen.Laws Supp.1936, § 1756(10)) amended Laws 1929, c. 13887, § 12 to read as set out in section. Prior thereto it read as follows: "The United States of America is authorized to acquire by conveyance made pursuant to this Act [§ 264.01 et seq.], the lands hereinabove mentioned, and for the purposes set out in an Act of Congress, but this consent is given upon condition that the State of Florida shall retain a concurrent jurisdiction with the United States in and over such lands so far that civil process in all cases and such criminal process as may issue under the au-

thority of the State of Florida against any person charged with the commission of any crime, without or within said jurisdiction, may be executed thereon in like manner as if this consent had not been given. Power is hereby conferred on the Congress of the United States to pass such laws as it may deem necessary for the acquisition of the said lands for incorporation in such National Park, and to pass such laws and make or provide for the making of such rules or regulations of both civil and criminal nature, and to provide punishment therefor as in its judgment may be necessary for the management, control, and protection of such lands as may be acquired by the United States under the provisions of this Act [§ 264.01 et seq.]"

264.09 Lands may be conveyed to United States; to revert if not used

The trustees of the internal improvement fund of the State of Florida are hereby authorized, in their discretion, to convey to the United States, timely for inclusion in Everglades national park, all lands in Dade, Monroe and Collier counties, in this state, held by the trustees of the internal improvement fund within the boundaries of said Everglades national park; said lands to become a part of Everglades national park pursuant to the enabling act of congress of May 30, 1934, authorizing the Everglades national park

in this state. In the event said lands are not used for national park purposes, or if the use for such purposes shall be discontinued at any time by the United States, the title to the said lands, clear and unimpaired, shall thereupon automatically re-vest in the trustees of the internal improvement fund: provided, that pending the establishment of the Everglades national park, the trustees of the internal improvement fund of the State of Florida are hereby authorized to convey, in fee simple, to the United States, for wild life conservation, all or any part of said lands, with such reservation, if any, of oil, gas and mineral rights as said trustees may determine; any such lands so conveyed shall, upon the establishment of Everglades national park become and be a part of said Everglades national park. As amended Laws 1941, c. 20653, § 1.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp.1936, § 1756 (19).

Laws 1935, c. 16995, § 1.

Laws 1941, c. 20653, § 1, amended Laws 1935, c. 16995, § 1, by adding the proviso. Section 2 repealed all conflicting laws or parts of laws. Section 3 provided that the Act should take effect immediately upon its passage and approval by the Gov-

ernor, or upon its becoming a law without such approval.

Similar Provisions:

Laws 1931, c. 14743, §§ 1, 2 (Comp. Gen.Laws Supp.1936, § 1756(15), provided for the conveyance by the trustees of the internal improvement fund to the Everglades National Park Commission of certain lands in Dade, Monroe and Collier counties.

264.10 Trustees may exchange certain lands for lands in Everglades national park

The trustees of the internal improvement fund may exchange lands located outside of the Everglades national park, held by said trustees, by virtue of the swamp land grant act of 1850,¹ situated south of township forty-eight, south, in this state, for lands privately owned within said proposed Everglades national park area and in turn convey lands so acquired to the United States; said lands, if not used for park purposes, to revert to the trustees of the internal improvement fund as described in § 264.09.

¹ 43 U.S.C.A. §§ 982-984.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp. 1936, § 1756 (20).

Laws 1935, c. 16995, § 2.

264.11 Appropriation

For the purpose of further defraying the expenses of the work of the Everglades national park commission, as defined in this chap-

ter, the sum of eighty-seven thousand, seven hundred sixty dollars is appropriated.

History and Source of Law

Derivation:

Comp.Gen.Laws Supp.1940, § 1756 (16-a).

Laws 1939, c. 19319, § 1.

Laws 1937, c. 17903, § 1.

Laws 1939, c. 19319, § 1 (Comp.Gen. Laws Supp.1940, § 1756(16-a)) amended Laws 1937, c. 17903, § 1, by making permanent appropriation of said sum of \$87,500, which was originally appropriated only for years 1937-1939.

264.12 Additional appropriation

(1) For the purpose of further defraying the expenses of the work of the Everglades national park commission, created by act of the legislature of May 25, 1929, chapter 13887, acts of 1929, as amended by chapter 16966,¹ acts of 1935,² the sum of twenty-five thousand dollars is hereby appropriated for the two year period from July 1, 1941, to June 30, 1943.

(2) Any and all moneys of this appropriation unexpended for the purposes herein set forth shall revert to the general fund of the state June 30, 1943. Laws 1941, c. 20988, §§ 1, 4.

¹ So in Florida Statutes 1941. Probably should read "chapter 16996".

² See § 264.01.

History and Source of Law

Laws 1941, c. 20988, § 5, repealed all conflicting laws or parts of laws. Section 6 provided that the Act should take effect upon becoming a law June 14, 1941.

the Further Expenses of the Everglades National Park Commission. Created by Act of the Legislature. Chapter 13887, May 25, 1929, as Amended by Chapter 16966, Acts of 1935. Laws 1941, c. 20988.

Title of Act:

An Act to appropriate \$25,000 For

264.13 Procedure for payment of accounts; bills, and claims

All accounts, claims and bills of any nature against the Everglades national park commission shall be examined by the managing director of the commission and, if found correct, shall be approved and delivered to the state comptroller, who shall issue a warrant drawn on the state treasurer against the Everglades national park commission's state appropriation fund to pay such accounts, claims and bills which have been authorized and approved by the commission. As amended Laws 1941, c. 20988, § 2.

History and Source of Law

Derivation:

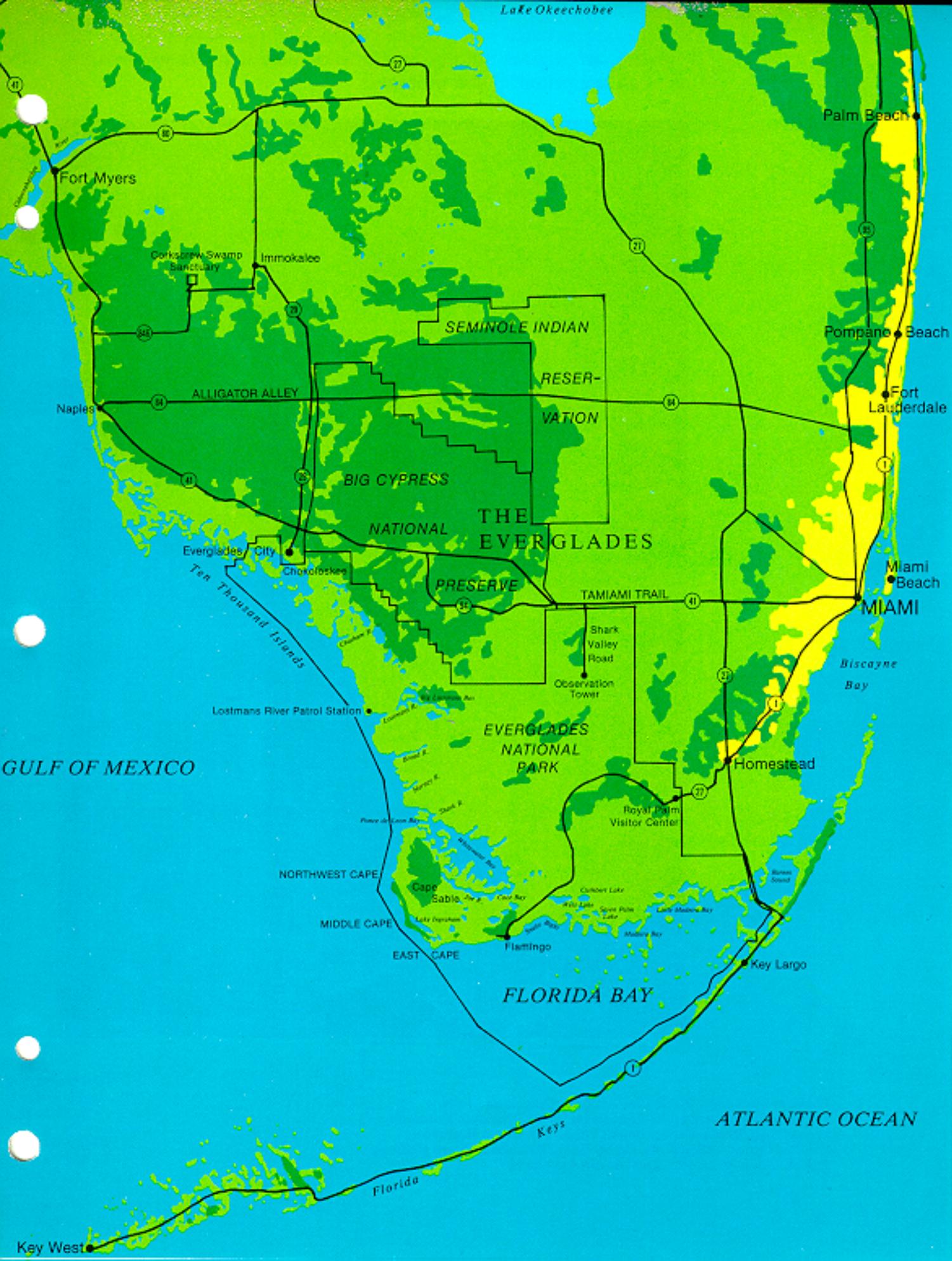
Laws 1937, c. 17903, § 2.

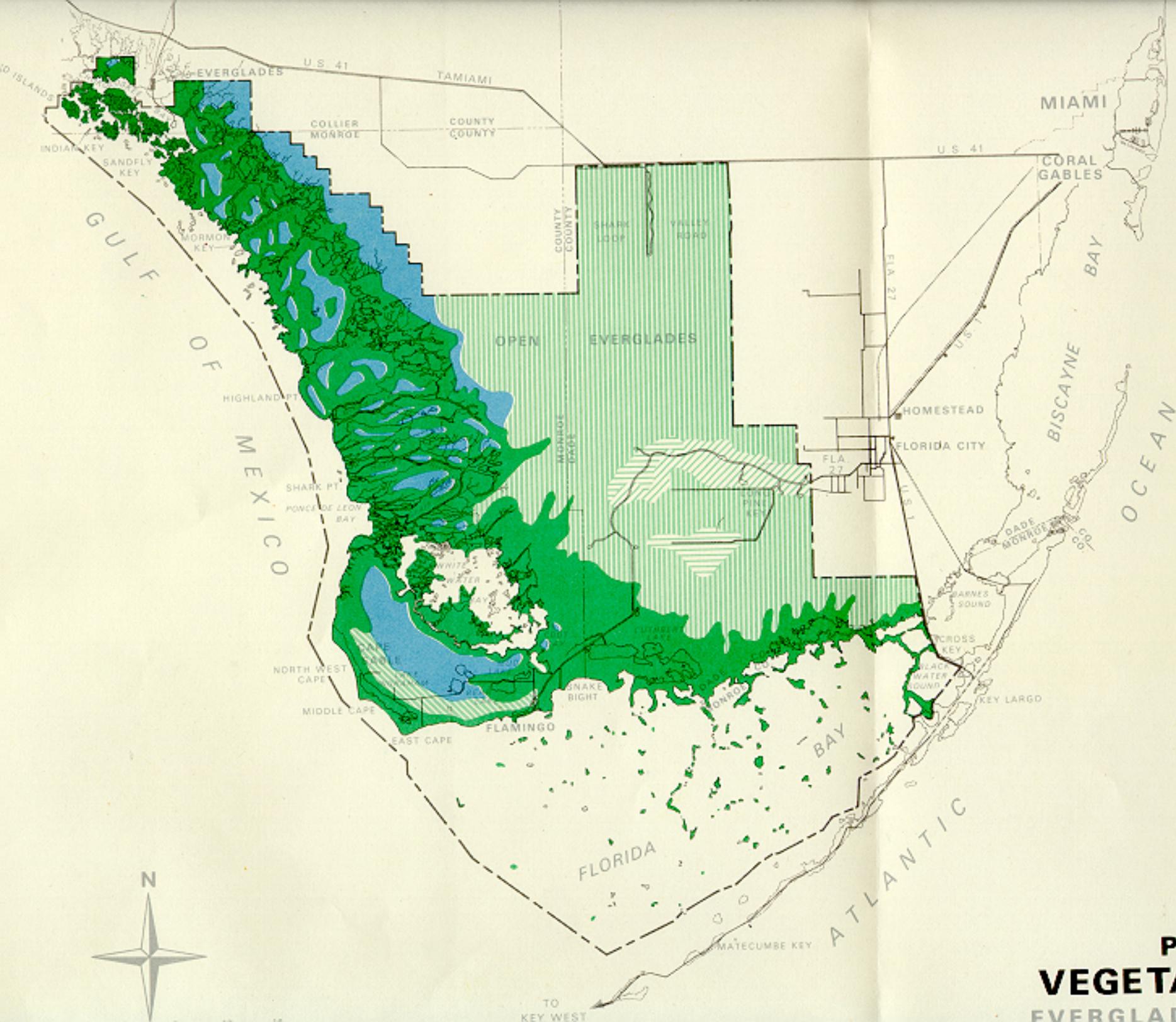
Comp.Gen.Laws Supp.1936, § 1756 (17).

Laws 1935, c. 16997, § 2.

Laws 1941, c. 20988, § 2 amended section by substituting "managing director" for "executive chairman".

Laws 1937, c. 17903, § 2 is source of text of section.



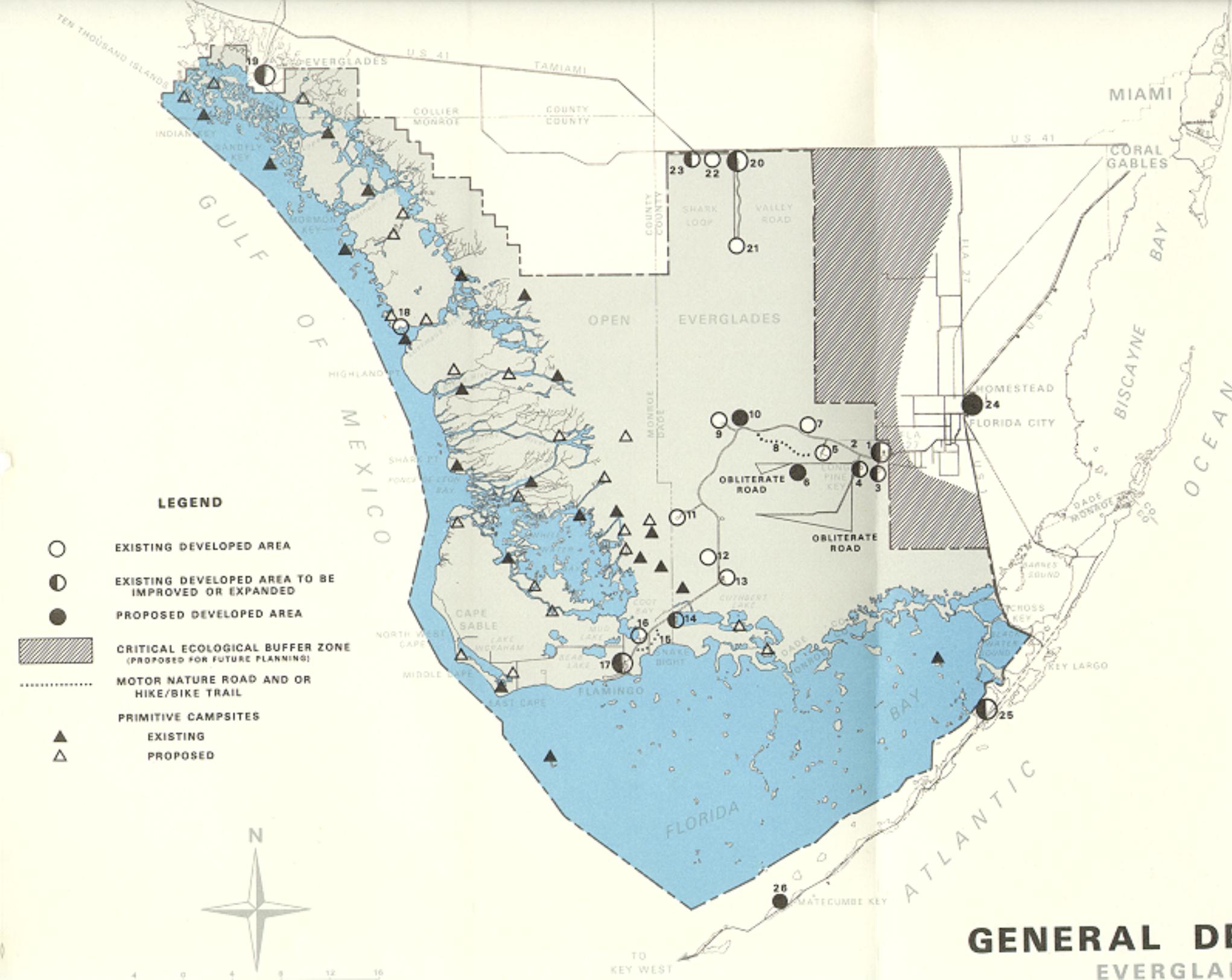


LEGEND

-  SAWGRASS EVERGLADES
-  MANGROVE FOREST
-  SALT MARSH
-  CYPRESS FOREST
-  PINE FOREST
-  SALT PRAIRIE



FIGURE 9
PRINCIPAL VEGETATION TYPES
 EVERGLADES NATIONAL PARK



KEY

1. PARACHUTE KEY - Administration building, visitor parking, visitor center, proposed Environmental Research Center, proposed public transit terminal.
2. PARK ROAD - Interpretive corridor, proposed public transit system.
3. PINE ISLAND - Maintenance center, employee housing, ranger station.
4. ROYAL PALM - Visitor center, visitor parking, interpretive trails.
5. LONG PINE KEY - Campground, picnic area.
6. "HOLE IN THE DONUT" - Proposed environmental education center and experimental area.
7. PINE LANDS - Interpretive trails and shelter, visitor parking.
8. PINE LANDS - Hike/bike trail and interpretive area.
9. PALM HAY OAKS - Interpretive trails and shelter, visitor parking.
10. DWARF CYPRESS - Proposed visitor parking, interpretive trail.
11. MAHOGANY HAMMOCK - Interpretive trail and shelter, visitor parking.
12. PAUROTTIS POND - Boat launching, visitor parking, picnic area.
13. NINE MILE POND - Wildlife area, visitor parking, picnic area.
14. WEST LAKE - Interpretive trail, interpretive shelter and exhibits, boat dock, visitor parking.
15. ROWDY BEND - Motor nature road, hike/bike trail and interpretive area.
16. COOT BAY POND - Visitor parking, canoeing, picnic area.
17. FLAMINGO - Visitor center, visitor parking, ranger station, employee housing, maintenance center, campground, picnic area, trails, concessioner-operated motel, cottages, marina, food service, store, gas station, boat launch.
18. LOSTMAN'S RIVER - Ranger patrol station, employee quarters, boat dock.
19. EVERGLADES CITY - Proposed visitor center, visitor parking, ranger station, employee housing, maintenance area, boat launch and docks, concessioner-operated boat launch.
20. TAMIAHI - Proposed visitor center, visitor parking, ranger station, employee housing, maintenance area, public transit terminal and tour along Shark Valley Road.
21. SHARK VALLEY OVERLOOK - Fire and observation tower, interpretive area, trail, ranger quarters.
22. MICCOSUKEE INDIAN DEVELOPMENT - School and housing.
23. FORTY MILE BEND - Ranger patrol station, and employee housing.
24. HOMESTEAD - Proposed visitor parking and visitor information/orientation station.
25. KEY LARGO - Proposed visitor center, visitor parking, ranger station, maintenance area, employee housing, dock for administrative purposes and concessioner-operated boat launch.
26. MATECUMBE KEY - Proposed ranger patrol station.

LEGEND

- EXISTING DEVELOPED AREA
- ◐ EXISTING DEVELOPED AREA TO BE IMPROVED OR EXPANDED
- PROPOSED DEVELOPED AREA
- ▨ CRITICAL ECOLOGICAL BUFFER ZONE (PROPOSED FOR FUTURE PLANNING)
- ⋯ MOTOR NATURE ROAD AND OR HIKE/BIKE TRAIL
- ▲ PRIMITIVE CAMPSITES
- △ EXISTING
- △ PROPOSED



FIGURE 2

GENERAL DEVELOPMENT PLAN

EVERGLADES NATIONAL PARK

NOTE
MOTORBOATING AND COMMERCIAL FISHING PERMITTED IN
ACCORDANCE WITH PRESCRIBED REGULATIONS.

ACREAGE

GROSS PARK ACREAGE 1,398,800.00
FEDERAL LANDS 1,398,800.00

UNIT	WILDERNESS	POTENTIAL WILDERNESS ADDITION
TAYLOR SLOUGH	148,700	25,600
10,000 ISLANDS- WHITEWATER BAY	616,100	56,300
PINELANDS	2,400	NONE
SUBMERGED MARINE LANDS	529,300	NONE
TOTAL	1,296,500	81,900

LEGEND

PARK BOUNDARY	---
ROADS MAJOR	==
MINOR	---
AIRBOAT TRAIL	---
CANAL, DITCH	---
UTILITY LINE	---
MANGROVE GROWTH LIMIT	~
RANGER STATION	■
WATER GAGE OR GAGING STATION	⊙
MUD BANKS	~
GAS, OIL & MINERAL RIGHTS	▨
PROPOSED WILDERNESS	■
SUBMERGED MARINE WILDERNESS	■
POTENTIAL WILDERNESS ADDITION	▨

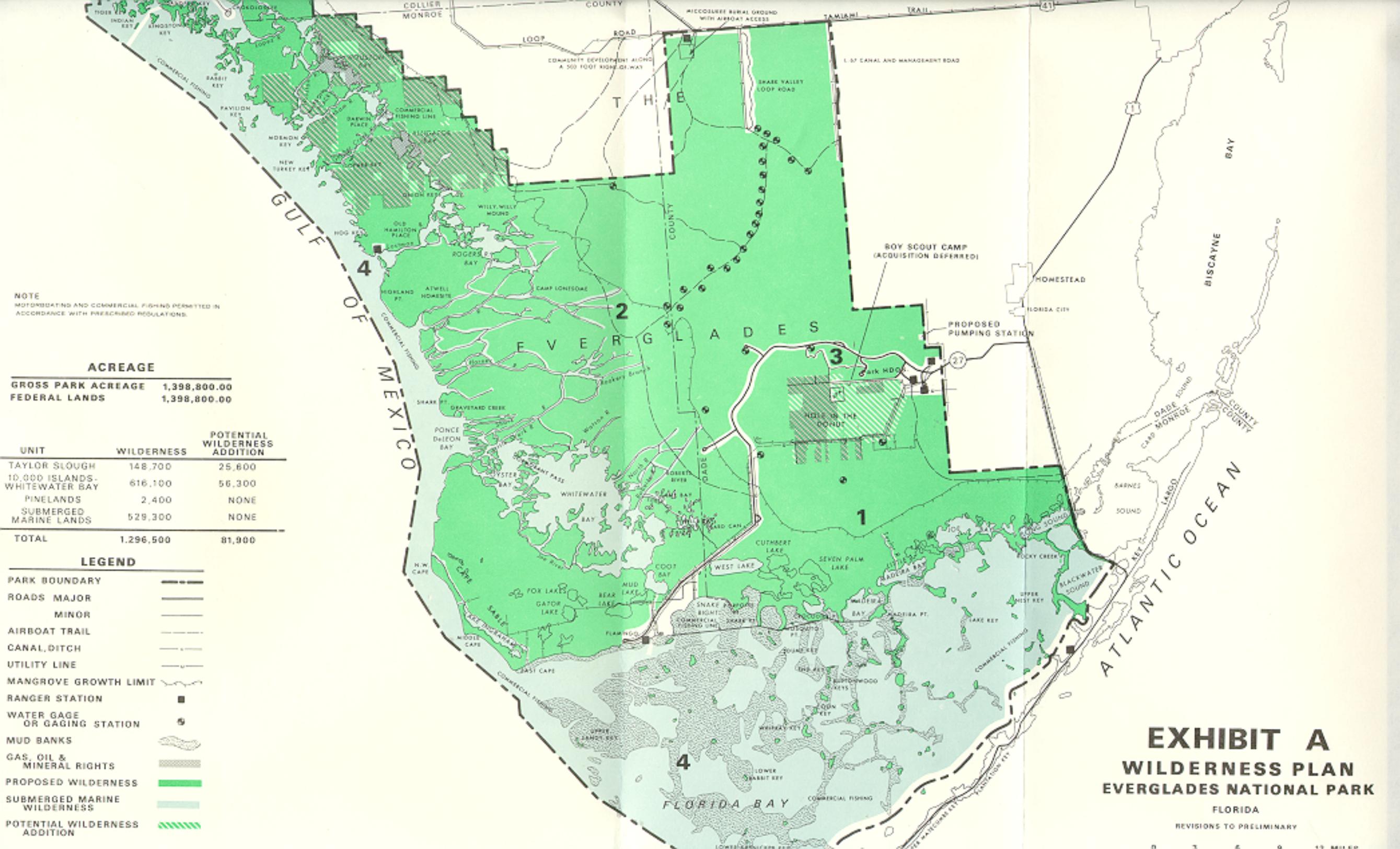


EXHIBIT A WILDERNESS PLAN EVERGLADES NATIONAL PARK

FLORIDA

REVISIONS TO PRELIMINARY

0 3 6 9 12 MILES



National Park Service
U.S. Department of the Interior
NPS Photo by Richard Frazer

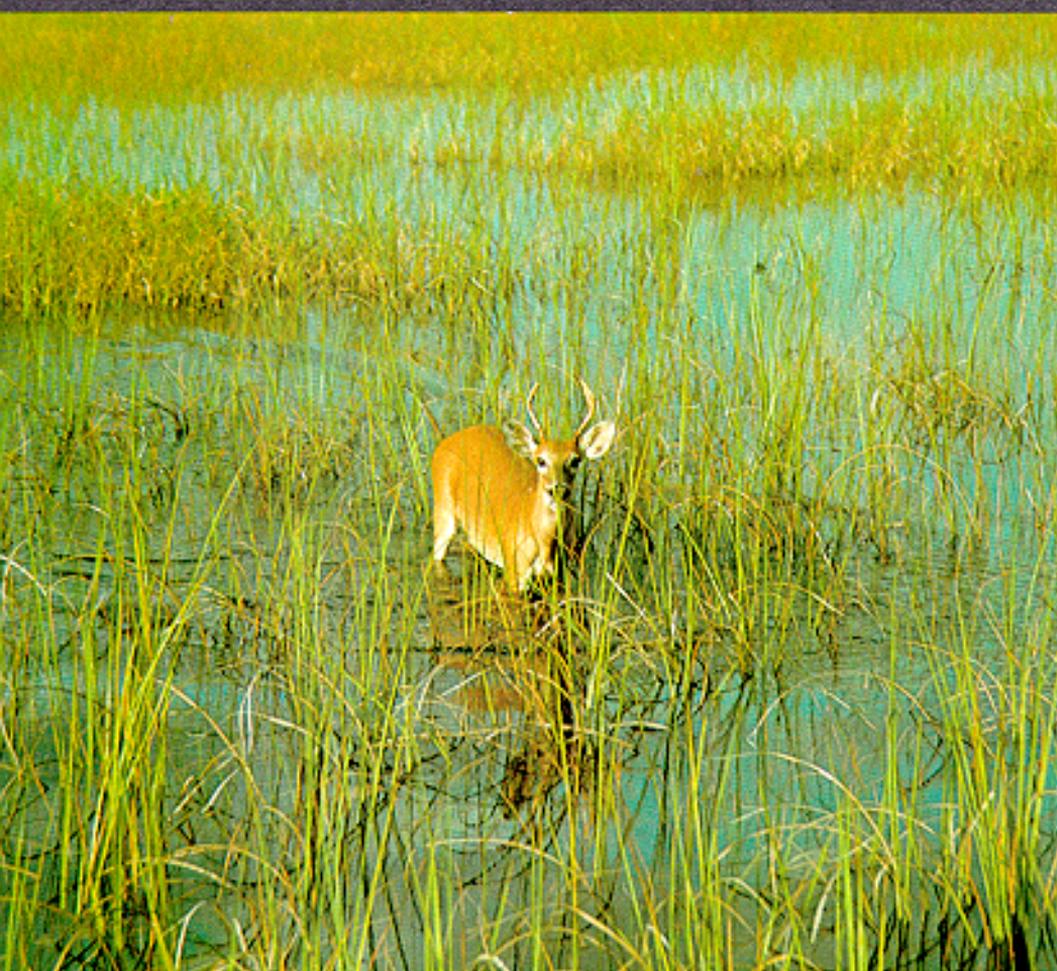
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The Ten Thousand Islands area of the Everglades with its many mangrove-covered islands, shoals, and finger channels reaching out into the Gulf of Mexico is a mecca for sport fishermen. The Wilderness Waterway, a marked boat trail, begins just north of the islands at Everglades City, winding south on a 99-mile route that ends at Flamingo on the Florida Bay.

Everglades
National Park
Florida







COUNTRY United States of America - Florida

NAME Everglades National Park

IUCN MANAGEMENT CATEGORY

II (National Park)

Biosphere Reserve

Ramsar Site

Natural World Heritage Site - Criteria i, ii, iv

BIOGEOGRAPHICAL PROVINCE 8.12.04 (Everglades)

GEOGRAPHICAL LOCATION Everglades National Park is situated on the southern tip of the Florida Peninsula, 16km from Florida City. The park is bounded by the Gulf of Mexico to the west, the Tamiami Trail and mostly state lands to the north, and the Florida Keys to the south and south-east. It includes most of Florida Bay. The biosphere reserve includes Dry Tortugas National Park, a group of seven coral reefs and surrounding shoals, coral reefs and waters. Dry Tortugas lies 112km west of Key West in the Florida Keys. 24°50'-25°55'N, 80°20'-81°30'W

DATE AND HISTORY OF ESTABLISHMENT Declared a national park on 6 December 1947 under the May 1934 Act of Congress. The park was accepted as a biosphere reserve in 1976, inscribed on the World Heritage List in 1979, and was designated a Ramsar site (Wetland of International Significance) in 1987. The total area of the national park was increased in 1989 from its original size of 566,788ha to its current size.

AREA

National Park 609,681ha

World Heritage Site 592,920ha

Biosphere Reserve (includes Dry Tortugas National Park) 585,867ha

Ramsar Site 566,788ha

The park is at the centre of a complex of protected areas, including Big Cypress National Preserve (21,198ha), Biscayne National Park (41,967ha), Dry Tortugas

National Park (26,183ha), Key Largo National Marine Sanctuary (32,388ha), 10 National Wildlife Refuges and the Florida Keys National Marine Sanctuary.

LAND TENURE United States Government, Department of Interior, Washington DC

ALTITUDE Ranges from sea-level to 2m

PHYSICAL FEATURES Everglades National Park is a shallow basin tilted to the south-west and underlain by extensive Pleistocene limestones with oolitic and bryozoan facies (the latter largely composed of *Schizoporella floridans*). The substrate limestone is overlain with variable thicknesses of marl and peat, minimising water loss downwards. The park serves as a vital recharge area for the Biscayne Aquifer, a major source of freshwater for Miami and south-east Florida. Florida Bay has an average depth of 1m and a maximum of 3m. It is composed geologically of anastomosing mudbanks and unconsolidated calcareous sediments over limestones. It is one of the most active areas of modern carbonate sedimentation. The park lies at the interface between temperate and subtropical America and between fresh and brackish water, shallow bays and deeper coastal waters, thus creating a complex of habitats supporting a high diversity of flora and fauna. The area of transition from freshwater (glades) to saltwater (mangrove) is a highly productive zone that incubates great numbers of economically valuable crustacea.

CLIMATE Temperatures are moderate, rarely freezing in winter, and reaching 23-35°C in summer, with annual precipitation often over 1470mm. Hurricane force storms can occur in summer and early autumn.

VEGETATION The vegetation and flora of south Florida have fascinated scientists and naturalists since their discovery, and were a primary reason for the establishment of the park. One cause of this fascination is the presence of a high percentage of West Indian species. Of approximately 1,600 species of vascular plants in Dade, Monroe and Colliers counties, 60-70% have tropical affinities. A noteworthy feature of the south Florida fauna is the rather high degree of local endemism. Approximately 65 taxa are south Florida endemics; of these about 25 are confined to the small area of slash pine forest in south-eastern Florida. A total of about 950 vascular plant species has been recorded in the park, including about half of the species endemic to southern Florida and numerous other rare plant species. Southern Florida vegetation is unique in the United States, but similar communities occur throughout the Caribbean and parts of tropical America. These taxonomic affinities indicate that these species migrated into the area from tropical regions and are, therefore, more closely allied to tropical ecotypes rather than temperate ones. The sawgrass marshes of the Everglades are probably the largest in the world, and the extent of mangrove vegetation is surpassed in only a few parts of the world outside the Australasian region. The vegetation of southern Florida can be divided into several structural community-types. Hammocks or tree islands are dominated by hardwood species of both tropical and temperate affinities. Mangrove forests contain red mangrove *Rhizophora mangle*, black mangrove *Avicennia nitida*, and white mangrove *Laguncularia racemosa*. Pinelands are dominated by slash pine *Pinus elliotti* var. *densa* and contain a large number of the endemics among the shrub and herbaceous species in the understorey. Bayheads contain isolated stands of willow *Salix caroliniana* on slight elevations or cypress *Taxodium distichum* in depressions filled with organic matter. Prairies can be dominated by sawgrass *Cladium jamaicensis*, muhley grass *Muhlenbergia filipes*, or cordgrass *Spartina* spp. in coastal areas.

FAUNA The Everglades protect 800 species of land and water vertebrates including over 14 threatened species (National Park Service, pers. comm., 1995; Cook, 1996). Twenty-five native mammals occur including round-tailed muskrat *Neofiber alleni struix*, Everglades mink *Mustela vison evergladensis*, Florida panther *Felis concolor coryi* (E), manatee *Trichechus manatus latirostris* (V), mangrove fox squirrel *Sciurus niger avicennia* and Florida black bear *Ursus americanus floridanus*. Over 400 bird species, many of limited distribution in the USA, have been recorded, notably snail kite *Rostrahamus sociabilis* (R), short-tailed hawk *Buteo brachyurus*, bald eagle *Haliaeetus leucocephalus*, peregrine falcon *Falco peregrinus*, great white heron *Ardea occidentalis*, red-cockaded woodpecker *Dendrocopos borealis*, Cape Sable seaside sparrow *Ammospiza maritima mirabilis*, Cuban snowy plover *Charadrius alexandrinus tenuirostris*, ivory-billed woodpecker *Campephilus principalis*, Florida grasshopper sparrow *Ammodramus savannarum floridanus*, Rothschild's magnificent frigatebird *Fregata magnificens rothschildi*, osprey *Pandion haliaetus*, crested caracara *Polyborus plancus*, Florida sandhill crane *Grus canadensis pratensis*, American oystercatcher *Haematopus palliatus*, roseate tern *Sterna dougallii*, least tern *Sterna albifrons*, white-crowned pigeon *Columba leucocephala*, Florida scrub jay *Aphelocoma coerulescens coerulescens* and many species typical of the Caribbean region. There are 60 known species of reptiles and amphibians, including American alligator *Alligator mississippiensis*, American crocodile *Crocodylus acutus* (E), hawksbill turtle *Eretmochelys imbricata* (E), green turtle *Chelonia mydas* (V) and loggerhead turtle *Caretta caretta* (E). Over 20 species of snake have been recorded, including the threatened indigo snake *Drymarchon corais souperi*. More than 275 species of fishes are known from the Everglades, most inhabiting the marine and estuarine waters. Several species are important game species that attract thousands of anglers to the park. Smaller species both inland and in estuaries are prey for the many species of wading birds. Bahama swallowtail butterfly *Papilio ardraemon bonhotei* and Schaus swallowtail butterfly *P. aristodemus ponceanus* are threatened insects. Seabirds nesting at Dry Tortugas National Park include sooty terns *Sterna fuscata*, noddy tern *Anous stolidus*, roseate tern *Sterna dongallii* and frigate birds *Fregata magnificens*. During autumn a continuous procession of songbirds and other migrants fly over or rests on these islands.

CULTURAL HERITAGE Everglades National Park is rich in both prehistoric and historic heritage. The park contains some 200 known archaeological sites, with two archaeological districts presently submitting nominations to the National Register of Historic Places with 62 and 70 sites in each. In addition, five separate sites have been nominated as having individual significance. Historic use of the park has left a rich record from native American use, settlement, farming and fishing activities. A native American group, the Miccosukee Tribe of Florida, has a special use permit area inside the park for tribal headquarters, visitor centre, housing and businesses. Fort Jefferson, in Dry Tortugas National Park, is the largest brick masonry fort in America, built with an estimated 6 million bricks between 1846 and 1876. The fort's 2.5m thick walls stand 15.2m high, divided into three tiers which were designed for 400 guns. The fort was large enough to garrison 1,500 men, but was never involved in battle, although it did secure a post for Union forces during the Civil War and afterwards served as a prison.

LOCAL HUMAN POPULATION Most staff members commute from local communities. However, 30-50 park personnel and 50-100 concession personnel live in residential areas in the park. A 50ha site along the park's northern boundary is retained by the Miccosukee Tribe of Indians under a special use permit for community development. The population of the Florida Bay region stands at

approximately six million people (1996), and future projections indicate a doubling of the population over the next 20 years (Cook, 1996).

VISITORS AND VISITOR FACILITIES Visitor facilities include five visitor centres, nature trails and boardwalks, four camping areas, one motel, restaurant, marina, small stores, a 24km paved loop road for tram and bicycle tours, canoeing trails, and primitive backcountry camping areas. Use of the Everglades is devoted to natural and cultural resource interpretation, environmental education, recreational fishing, boating and hiking and wilderness exploration. Boat dock camping facilities are available in Dry Tortugas National Park.

SCIENTIFIC RESEARCH AND FACILITIES Although there has been extensive research documenting the natural resources of the Everglades, there are still numerous areas of critical resource systems requiring study because of the size, complexity, and impacts on the ecosystem. A research and resource management staff of about 60 scientists, technicians, resource specialists and administrative assistants work on hydrology, wildlife, vegetation, fire ecology, marine ecology, and cultural resources. The Everglades Regional Collection Centre houses some 50,000 biological and cultural museum artifacts and archives, as well as a library with 10,000 volumes. Dry Tortugas National Park offers excellent research possibilities on coral reef ecology, subtropical islands, bird migrations, and fisheries. There was a research Laboratory of the Carnegie Institutes on Loggerhead Key during the first three decades of this century, providing a substantial record of research.

CONSERVATION VALUE The Everglades National Park is an area of exceptional conservation value. Resources include: the largest continuous stand of sawgrass prairie in North America; the largest mangrove ecosystem in the Western Hemisphere; the most significant breeding grounds for tropical wading birds in North America; the only subtropical preserve in North America; and the habitat of some 14 endangered species.

CONSERVATION MANAGEMENT Three separate watershed sources lie outside the park boundaries, but are essential to the integrity of the Everglades system, and are in varying stages of preservation and control: Big Cypress National Preserve on the north-west boundary, (93% Federal property); Shark River Slough watershed in turn is supplied by a large number of water conservation areas managed by the State of Florida and north of these a large agricultural area; and the small Taylor Slough watershed which originates on private lands, passes through the park and supports the exceptional seasonal wildlife displays at the Anhinga Trail, and finally empties into north-east Florida Bay. Strict natural, managed natural, and developed zones have been identified. 93% of the park is federally designated as wilderness. A series of designated preservation zones by Metropolitan Dade County and the State of Florida help protect the park's north and east boundary from encroaching urbanisation. In keeping with the strict tenor of the 1934 Act authorising Everglades National Park, the development of visitor facilities has progressed according to a concept of preserving the park's essential wilderness qualities and keeping developmental encroachments to a minimum. Currently about 0.1% of the park can be considered developed. Visitor facilities are considered adequate, and only upgrading and replacement of ageing facilities is planned. In 1990 an Act of Congress authorised the purchase of 40,500ha of land along the east boundary of the park to increase the protection of Shark Slough. Control of this area and related infrastructure changes in the water management system, will allow the park to restore natural hydro-patterns without flooding private land in the north-eastern area of Shark Slough (National Park Service, pers. comm., 1995). Prescribed burning was pioneered as a National Park Service management tool at Everglades. Fire has been

successfully reintroduced as an essential element in perpetuating a native ecosystem. The Fire Management Plan (1990) and Statement for Management (1989) state current management philosophy and goals.

MANAGEMENT CONSTRAINTS The plant communities of southern Florida have proved to be extremely vulnerable to disturbance from human activities. Although the area was settled relatively late, changes occurred very rapidly in the early decades of the 20th century. This deterioration has continued, through agriculture, urbanisation, drainage, deliberate and accidental burning, pollution, and introduction of exotic species. Exotic plants pose one of the greatest threats to the integrity of the Everglades ecosystems. There are at least 221 species of introduced plants in the park. These exotic plants can be divided into different categories based on current distribution, potential to spread and invade native vegetation, and the corresponding management approach for each group of species. The most significant category consists of species that are widespread in the park or southern Florida and that have an established, documented potential to invade undisturbed, native plant communities. Another category contains species that are able to naturalise and spread locally into undisturbed, native vegetation and form dense stands once they have been introduced. The next category consists of species that are widespread in the park or in southern Florida and form dense, monospecific populations, primarily on disturbed sites such as road sides, canal embankments and agricultural lands (Whiteaker and Doren, 1989). Exotic fish species, including walking catfish are competing with native species for habitat.

Water management manipulations are the largest environmental threat to the ecosystem. Water quality, timing of canal releases, amounts, and distribution affect the natural system that, in turn controls wildlife and vegetation populations. The park's legal boundaries encompass the southern end of a 150km drainage system of central Florida. Increased salinity in Florida Bay, due to reduced freshwater delivery, may be one factor in the decline of some fish species and shrimps and the spread of algal blooms. Water deliveries have been quite erratic in the past; during droughts in the early 1960s and late 1980s the lack of sheet run-off from the north into the park significantly reduced breeding wading bird populations. Congressional action ensured a minimum annual supply; however, timing and manner of delivery were not specifically addressed. Research is being undertaken to understand the flow of water and its biological effects on wild plants and animals in order to design, modify, and revise the hydrological management that effects the park. In the Everglades Expansion Act of 1989, Congress determined that there are significant adverse effects to the ecosystem from external sources and that the ecosystem should be restored. In further recognition of its seriously threatened status, Everglades National Park was added to the World Heritage in Danger List in 1993 (Anon, 1994).

STAFF Some 230 full time permanent employees (Cook, 1996).

BUDGET US\$13,000,000 for administration, protection, resource management, research, interpretation and maintenance in 1996 (Cook, 1996).

LOCAL ADDRESSES

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